Consultation

Consultation on the future quality system

Stage two: Proposals for a revised approach to assessing and rating quality

This consultation runs from 22 October 2026 to 28 January 2027.

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Enquiries to TEF@officeforstudents.org.uk

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Summary

We are consulting on how we will assess and rate the quality of higher education at each university or college in the future, to help ensure all students benefit from high-quality education.

Deadline for responses: 28 January 2027

How to respond: Please use the online response form

Who should respond:

- anyone with an interest in English higher education
- students, staff, academics and leaders at higher education providers
- schools and further education colleges
- employers, third sector organisations
- policy bodies.

Enquiries: tef@officeforstudents.org.uk

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

What are we proposing?

1. Following our stage one consultation in 2025 on an integrated quality system,[1] we are proposing a revised approach to assessing and rating quality. We intend this approach to provide assurance that all registered providers continue to meet our minimum requirements, while also recognising and rewarding excellence in teaching and student outcomes.

2. Under these proposals, all registered providers would be subject to cyclical quality assessment. Each year, we would select a cohort of providers for assessment. All selected providers would undergo a common quality assessment process that would assess whether they continue to meet our minimum quality requirements.

3. As part of that assessment, providers would be able to choose whether to apply for Teaching Excellence Framework (TEF) ratings. Providers applying for TEF ratings would provide the additional evidence required to support rating judgements, including evidence about quality above the minimum requirements. Providers choosing not to apply for TEF ratings would instead receive assessment outcomes indicating whether they continue to meet minimum requirements.

[1] See Consultation on the future approach to quality regulation - Office for Students.

4. The assessment would consider both student experience and student outcomes aspects. Providers applying for TEF ratings would receive a Gold, Silver, Bronze or Requires improvement rating for each aspect they are assessed for. Providers that do not apply for TEF ratings would receive minimum requirement outcomes of either Satisfactory or Unsatisfactory for each aspect.

5. The first cycle of assessments under the new system would assess nearly all providers over three years from 2027-28.

6. Most of the proposals in this consultation relate to the evidence, criteria, indicators and assessment processes that we would use in assessments, including data indicators, provider submissions, student submissions and visits to some providers.

7. We also propose how assessment teams would reach judgements about minimum requirement outcomes and TEF ratings through a common assessment framework based on published criteria, indicators, provider submissions and other evidence. We set out proposals for publishing assessment outcomes, including requiring providers to publish their outcomes. We also propose how different outcomes would be linked to incentives and consequences. These include student recruitment limits and eligibility for degree awarding powers.

8. We are also consulting on the relationship between quality assessments (through a minimum requirements assessment or the TEF), ongoing quality monitoring and investigations of concerns about compliance.

Why are we proposing this?

9. Students should receive high-quality teaching, academic support, rigorous assessment and appropriate resources. They should also gain knowledge and skills that support employment, further study and other positive outcomes. The proposed system aims to provide assurance that all providers continue to meet minimum quality requirements while incentivising continuous improvement and recognising higher levels of quality.

10. Following responses to our stage one consultation, and as we have developed the detailed operation of the scheme (including how we best integrate compliance assessments within TEF), we have reconsidered our approach. Under this alternative approach, all providers would undergo the same broad assessment process, which would be mandatory. The assessment would establish whether the provider is meeting minimum quality requirements and, where it does not apply for a TEF rating or does not have sufficient data to do so, it would receive a Satisfactory or Unsatisfactory outcome. Where a provider applies for a TEF rating, this would also determine whether the quality and outcomes experienced by students meet or go beyond the minimum requirements and whether it should be awarded a Requires improvement, Bronze, Silver or Gold TEF rating.

11. We consider that this approach would provide a more integrated and coherent quality system. It would ensure that we assess all providers using the same broad framework, assessment process and decision-making arrangements. It would also avoid the need for separate assessment arrangements for providers that do not have sufficient National Student Survey (NSS) data to support a TEF rating, while continuing to ensure those providers are subject to cyclical assessment of quality.

12. The approach would also provide a clearer distinction between demonstrating compliance with minimum quality requirements and choosing to seek a TEF rating (that could demonstrate high-quality provision beyond the minimum requirements). Under this model, all providers would continue to be assessed, but providers would decide whether to seek a TEF rating (if they have sufficient data to do so) and access the benefits associated with that rating.

13. At the same time, this approach would require different evidence requirements depending on whether a provider applies for a TEF rating. In particular, providers applying for TEF ratings would need sufficient data to support ratings and we would require them to provide a student submission. We are therefore interested in views about whether the benefits of a single assessment system would outweigh the additional complexity associated with operating a common assessment process with different evidence requirements.

What it would mean in practice

14. We would assess each provider on a cyclical basis. The providers we select for assessment each year would be assessed against the minimum quality requirements and could apply for TEF ratings.

15. Each year, we would select a cohort of providers for assessment, taking account of factors such as their previous ratings or outcomes, risks to quality, and the availability of data. Before assessment begins, we would carry out an initial risk assessment using information such as student outcomes data, NSS results, notifications and other regulatory intelligence.

16. The risk assessment would determine how we assess the provider. Most providers would undergo a standard desk-based assessment using published data and evidence it has submitted. Where we identify particular risks, we may gather additional evidence and conduct a visit to the provider. Where we identify serious concerns about compliance with quality requirements, we may undertake a quality investigation instead of a minimum quality requirements or TEF assessment.

17. Assessment teams made up of academic assessors, student assessors and OfS staff would consider published indicators, submissions and other evidence against published assessment criteria for student experience and student outcomes. The assessment teams would then make recommendations. A Quality Assessment and TEF panel would make final decisions to ensure consistency across providers.

18. We would publish the outcomes of minimum quality requirements assessments and TEF ratings, together with assessment reports explaining how we reached decisions.

19. Assessment outcomes would have practical consequences. Higher TEF ratings would provide access to benefits linked to TEF, including:

    - eligibility for tuition fee uplifts determined by the Department for Education (DfE)
    - eligibility to apply for or extend degree awarding powers (DAPs) (subject to consultation), and

- access to public funding such as the Strategic Priorities Grant (SPG) (subject to consultation).

Lower ratings or outcomes could lead to:

- student recruitment restrictions
- earlier reassessment
- further regulatory scrutiny, or
- investigation and regulatory intervention (where we identify serious concerns).

20. Between assessments, we would continue to monitor risks to quality. Where significant concerns emerge, we could bring forward a provider's next assessment, undertake a quality investigation, or revise published ratings or outcomes if they no longer reflect the quality experienced by students.

Who would be affected

21. The proposals would affect all higher education providers registered with us as we will require them to undergo cyclical quality assessment.

22. Students would be affected because the proposals aim to protect them from poor provision and improve their academic experiences and outcomes. They would also have a vital role in informing quality assessments through the NSS and student submissions for the TEF, and taking part as assessors. Prospective students would benefit from assessment outcomes for all providers, clearer ratings and reports.

23. We are also seeking views from staff, academics, leaders, awarding bodies, employers, third sector organisations, policy bodies and others interested in higher education quality.

What we are seeking views on

24. The consultation asks for views on the approach to implementing the future quality system. This includes the criteria for assessments, the data that we will use, the nature of provider and student submissions, the nature of visits to some providers, and how we will conduct assessments. We also seek views on how we would communicate outcomes to students and how we would implement the incentives and interventions linked to assessment outcomes.

25. Respondents do not need to answer every question. They can comment on any areas they consider relevant.

Decisions following stage one

26. The proposals set out here build on, or in some cases modify, the decisions taken following the stage one consultation. Relevant decisions following stage one are summarised at the start of each proposal, and we are **not** reconsulting on these.

27. In some areas, as we have developed the proposals in more detail, we are proposing to modify the approach we decided on following stage one. In summary, we are now proposing to:

    a. Assess all providers for compliance with the minimum quality requirements on a cyclical basis, with providers that have sufficient data able to apply for a TEF rating.

    b. Include visits to providers for some assessments.

    c. Include a new requirement in condition B3 for providers to deliver positive post-study outcomes

    d. Reduce a provider's student recruitment (rather than limit growth) where it receives an outcome of Unsatisfactory or a TEF rating of Requires improvement. This would mean that we require it to recruit fewer students (rather than preventing it from recruiting more students than it currently does).

28. Further details and the reasons for these modifications are set out within the proposals.

Draft guidance and further information

29. We will also publish further information to supplement this consultation on 5 November 2026. We will publish:

    a. Draft guidance, to:

        - provide further detail of some of the proposals
        - show how the proposals – if taken forward – would be reflected in practical guidance
        - seek feedback on its clarity and helpfulness, so we can ensure the final guidance is clear, accessible and useful.

    b. Further data analysis that informs the proposals relating to the data

    c. Data dashboard and data files

    d. Proposed revisions to condition B6.

30. We recognise that this is a long consultation document setting out the detail of the quality system. We have therefore tried to explain the proposals in a way that is accessible to a wide range of audiences, including those not directly involved in the TEF. For those who wish to understand and respond to the proposals in greater detail, we highlight where the draft guidance or other supplementary document provides further detail about a proposal.

31. However, if respondents wish to fully understand all of the proposals, they should read the draft guidance and supplementary documents in full when it is published, rather than rely on these prompts.

32. If there are any inconsistencies between a proposal and the associated draft guidance, we would appreciate respondents drawing this to our attention. If a discrepancy is found, the

content of the consultation document should be treated as the definitive proposal, rather than content in the draft guidance.

Next steps

33. The consultation runs from 22 October 2026 to 28 January 2027. We will then consider responses and expect to publish decisions in spring 2027. We plan to publish final guidance in summer 2027.

Consultation questions

Question 1: Do you agree, partly agree or disagree with the proposed approach to a single quality assessment system where all providers are assessed through a common approach and may choose to apply for TEF ratings?

Question 2: Do you agree, partly agree or disagree with the proposals for selecting annual cohorts of providers for assessment, including:

2.a. the additional factors we would take into account

2.b. the proposed arrangements for subsequent assessments?

Question 3: Do you agree, partly agree or disagree with the proposed approach, including:

3.a. to an initial risk assessment

3.b. to determining the level of scrutiny?

Question 4: Do you agree, partly agree or disagree with the proposed approach to data being sufficient to apply for TEF ratings, including the:

4.a. definitions of sufficient data for assessment of each aspect

4.b. approach to increasing the availability of data

4.c. treatment of providers without sufficient data to support a TEF rating?

Question 5: Do you agree, partly agree or disagree with the proposed process and timeline for providers to take part, including:

5.a. the requirements for providers applying for TEF ratings

5.b. the timeline for submissions and arrangements for deadline extensions?

Question 6: Do you agree, partly agree or disagree with the proposed approach, including:

6.a. the treatment of subcontracted and validated-only provision

6.b. the phased approach to assessing modular provision?

Question 7: Do you agree, partly agree or disagree with the proposals, including:

7.a. the definitions of the ratings and outcomes

7.b. the criteria for assessing the student experience aspect?

Question 8: Do you agree, partly agree or disagree with the proposals for the student experience indicators including:

8.a. the structure of the National Student Survey (NSS) indicators

8.b. changes to the benchmarking factors

8.c. how performance would be indicated?

Question 9: Do you agree, partly agree or disagree with the proposed approach to provider submissions for student experience, including:

9.a. the content of submissions

9.b. the scope of submissions

9.c. the structure and page limit?

Question 10: Do you agree, partly agree or disagree with the proposed approach to student submissions, including:

10.a. the scope, content and format

10.b. the submission process

10.c. the support providers would be required to offer?

Question 11: Do you agree, partly agree or disagree with the proposed approach to enhanced assessments of the student experience, including:

11.a. the purpose of enhanced assessments

11.b. the timing, focus and method of evidence gathering

11.c. the arrangements for subcontractual partnerships?

Question 12: Do you agree, partly agree or disagree with the proposed revisions to minimum requirements for student outcomes, including:

12.a. the new requirement for positive post-study outcomes

12.b. the new requirement for modular completion outcomes

12.c. proposed changes to minimum numerical thresholds for continuation and completion

12.d. changes to Regulatory advice 20?

Question 13: Do you agree, partly agree or disagree with the proposal, including:

13.a. the definitions of the ratings and outcomes

13.b. the criteria for continuation and completion

13.c. the criterion for post-study outcomes?

Question 14: Do you agree, partly agree or disagree with the proposals for the student outcomes indicators, including:

14.a. the definition and benchmarking of the additional post-study indicators

14.b. the structure of the indicators

14.c. how performance would be indicated?

Question 15: Do you agree, partly agree or disagree with our proposed approach to provider submissions for the student outcomes aspect, including:

15.a. identifying indicators of concern

15.b. how we have defined relevant contextual evidence

15.c. the standards of evidence

15.d. scope and page limits for submissions?

Question 16: Do you agree, partly agree or disagree with the proposed approach, including:

16.a. assessment teams

16.b. the decision-making panel

16.c. representations on outcomes?

Question 17: Do you agree, partly agree or disagree with the proposed approach to assessment, including:

17.a. interpreting and weighting evidence

17.b. reaching criterion judgements

17.c. determining aspect ratings

17.d. considering consistency?

Question 18: Do you agree, partly agree or disagree with the proposed approach to outcomes and enhancement, including:

18.a. publication of minimum requirement outcomes

18.b. publication of outcomes for TEF

18.c. the requirements on providers to publish their outcomes

18.d. the content and publication of assessment reports

18.e. the approach to sample-based visits and quality enhancement?

Question 19: Do you agree, partly agree or disagree with the proposed approach to student recruitment limits, including:

19.a. recruitment reductions for providers with an Unsatisfactory or Requires improvement outcome

19.b. from the second cycle, limiting recruitment (not allowing any increase in student numbers) for providers with Bronze or Satisfactory outcomes

19.c. implementing recruitment limits for providers with Bronze ratings on an automatic basis?

Question 20: Do you agree, partly agree or disagree with the proposed approach to eligibility for DAPs, including:

20.a. for registered providers to apply for or extend DAPs

20.b. for new providers seeking DAPs and registration simultaneously

20.c. for providers with existing DAPs powers?

Question 21: Do you agree, partly agree or disagree with the proposed approach, including:

21.a. the impact of quality investigations on TEF ratings or minimum requirements outcomes

21.b. the approach to consecutive Requires improvement ratings or Unsatisfactory outcomes

21.c. other circumstances in which assessment outcomes may change?

Question 22: Do you have any further comments you would like to make in relation to the proposals contained in this consultation document, annexes or draft guidance?

Relating to the draft guidance for providers and assessors:

Question 23: Do you agree, partly agree or disagree that the main draft guidance document is useful and clear in explaining the quality assessment process and requirements?

Relating to the draft guidance for student submissions:

Question 24: Do you agree, partly agree or disagree that the draft guidance document on the student submission is useful and clear in explaining the student submission process and requirements?

Relating to revised condition B6:

Question 25: Do you agree, partly agree or disagree that the proposed changes to condition B6 appropriately reflect the requirements proposed through this consultation?

Section 1: The quality assessment system

Proposal 1: The overall quality system

Summary

Stage one decisions

- We will modify the overall quality system to ensure that it is integrated, drives improvement across the sector, and provides a clear view of the quality delivered by different providers.
- All OfS-registered providers will be assessed in the future TEF, on a cyclical basis.
- We will assess and rate providers for 'student experience' and 'student outcomes'.
- We will align the scope and ratings criteria for the student experience aspect with the requirements of conditions B1, B2 and the 'effective assessment' element of B4.
- We will integrate into the future TEF an assessment of whether a provider meets our minimum requirements for student outcomes (condition B3).

What we are proposing now

- We would assess all providers for quality on a cyclical basis. Each year we would choose a cohort of providers for assessment.
- The selected providers would be able apply for TEF ratings, which would show if the provider meets or exceeds our minimum quality requirements.
- Providers that do not apply for TEF ratings would only be assessed on whether they meet our minimum quality requirements.
- Where we identify concerns about compliance with quality conditions, the provider may instead be subject to a quality investigation.

Why we are proposing this

- These proposals would make sure that every registered provider has regular quality assessments.
- They would also allow providers to apply for a TEF rating and receive the benefits that come with it.

Key points of this proposal

- Each year we would select a cohort of providers for cyclical quality assessment.
- All providers would be assessed for meeting the minimum quality requirements (conditions B1, B2, B3 and B4).
- Providers would be able to choose whether to apply for TEF ratings as part of that assessment.
- Providers applying for TEF ratings would provide the additional evidence necessary to assess different levels of quality above the minimum, and support TEF ratings decisions.
- Providers that do not apply for TEF ratings would only receive outcomes indicating whether they meet minimum quality requirements.
- We would expect most registered providers to apply for TEF ratings.
- Providers without sufficient data for a TEF rating would still be assessed against minimum requirements.
- Some providers would instead undergo quality investigation, where we identify concerns about compliance.

Explanation

34. Following stage one, we decided that all registered providers should participate in the TEF. Since then, we have developed the detailed design of the future quality system, including how it will interact with our ongoing risk monitoring and investigations of concerns about compliance. We have also reflected further on feedback in stage one and further engagement with sector representative groups about the mandatory nature of TEF. We are now proposing a different approach.

35. We remain committed to the principle that all registered providers should be subject to cyclical assessment of quality. To meet that objective, we are now proposing to assess all providers selected for assessment each year through a common assessment framework. We would assess all providers against the minimum quality requirements set out in conditions B1, B2, B3 and B4. Providers with sufficient data available would be able to apply for TEF ratings. Providers that do not apply for TEF ratings, or that do not have sufficient data available, would receive a minimum requirements outcome.

36. Through this approach we would assess all providers against the same minimum quality requirements, regardless of whether they apply for TEF ratings. All providers would need to submit evidence to show that they at least meet these requirements. Providers applying for TEF ratings would need to have sufficient data (as set out in Proposal 4), submit additional evidence and facilitate student submissions. This is to allow the assessment team to rate different levels of quality.

37. Receiving TEF ratings would provide access to considerable benefits. Providers would only be able to access the inflationary uplift to tuition fees and any future uplifts to tuition fees established by the DfE through TEF ratings. We propose that providers could also only

qualify for DAPs by achieving higher TEF ratings. We will shortly consult separately on how TEF ratings should affect eligibility for public grant funding. Providers that receive higher TEF ratings would also be subject to less frequent quality assessment.

38. Providers that do not apply for TEF ratings would instead receive outcomes that indicate whether they have met the minimum requirements. We propose these providers would receive outcomes of Satisfactory or Unsatisfactory for student experience and student outcomes.

39. We propose a common assessment approach with broadly equivalent outcomes. In Proposals 7 and 13 we propose a common set of assessment criteria based on the relevant B conditions. All providers would be assessed through the same framework. Providers applying for TEF would receive ratings, while other providers would receive a Satisfactory or Unsatisfactory outcome. As shown in Table 1, the TEF ratings and minimum requirement outcomes represent equivalent underlying levels of quality.

Table 1: Equivalence of assessment outcomes

Minimum requirements outcome	TEF rating	Meaning
Satisfactory	Bronze	Minimum requirements are met
Unsatisfactory	Requires improvement	Minimum requirements are not met

40. This approach would ensure that we assess all providers against the same quality conditions, regardless of whether they seek a TEF rating. It would also avoid the need for separate assessment arrangements for providers that do not have sufficient data to support TEF ratings.

41. Providers receiving TEF ratings would continue to receive any benefits, restrictions and consequences associated with those ratings.

42. Providers that do not apply for TEF ratings would not receive Gold, Silver or Bronze ratings and therefore would not receive benefits that are specifically linked to TEF ratings, such as any fee limit arrangements determined by DfE.

43. Providers should not be able to avoid the consequences of lower quality or poorer student outcomes by choosing not to apply for a TEF rating. We therefore propose that minimum requirement outcomes and TEF ratings showing broadly similar levels of quality should normally lead to similar regulatory consequences.

44. For example, a provider with a Satisfactory outcome would normally face the same regulatory action and reassessment arrangements as a provider with a Bronze TEF rating. Similarly, a provider with an Unsatisfactory outcome would normally face broadly the same action and reassessment arrangements as a provider with a Requires improvement TEF rating.

45. We think this approach is important. Providers that choose to apply for a TEF rating would access the benefits linked to that rating, but providers could not avoid the consequences of lower quality or poorer student outcomes by choosing not to apply.

46. When we select a cohort of providers for assessment each year, providers would undergo an initial risk assessment, as set out in Proposal 3. The purpose of the risk assessment would be to identify potential concerns about compliance and determine whether a quality investigation would be more appropriate. This means that in some cases, a provider selected for assessment in a given year would be subject to a quality investigation instead of the standard assessment process.

Further information about how quality investigations relate to other quality assessment is set out in Proposal 21.

47. As set out in Proposal 3, the risk assessment would also determine if additional evidence would be required as part of a provider's assessment. We expect that most providers' assessments would be desk-based (that is, based on data and submitted evidence). Where we identify risks through the initial risk assessment, we may gather additional evidence as part of the assessment, including through a visit to the provider, as set out in Proposal 11.

Throughout the document we use the following terms:

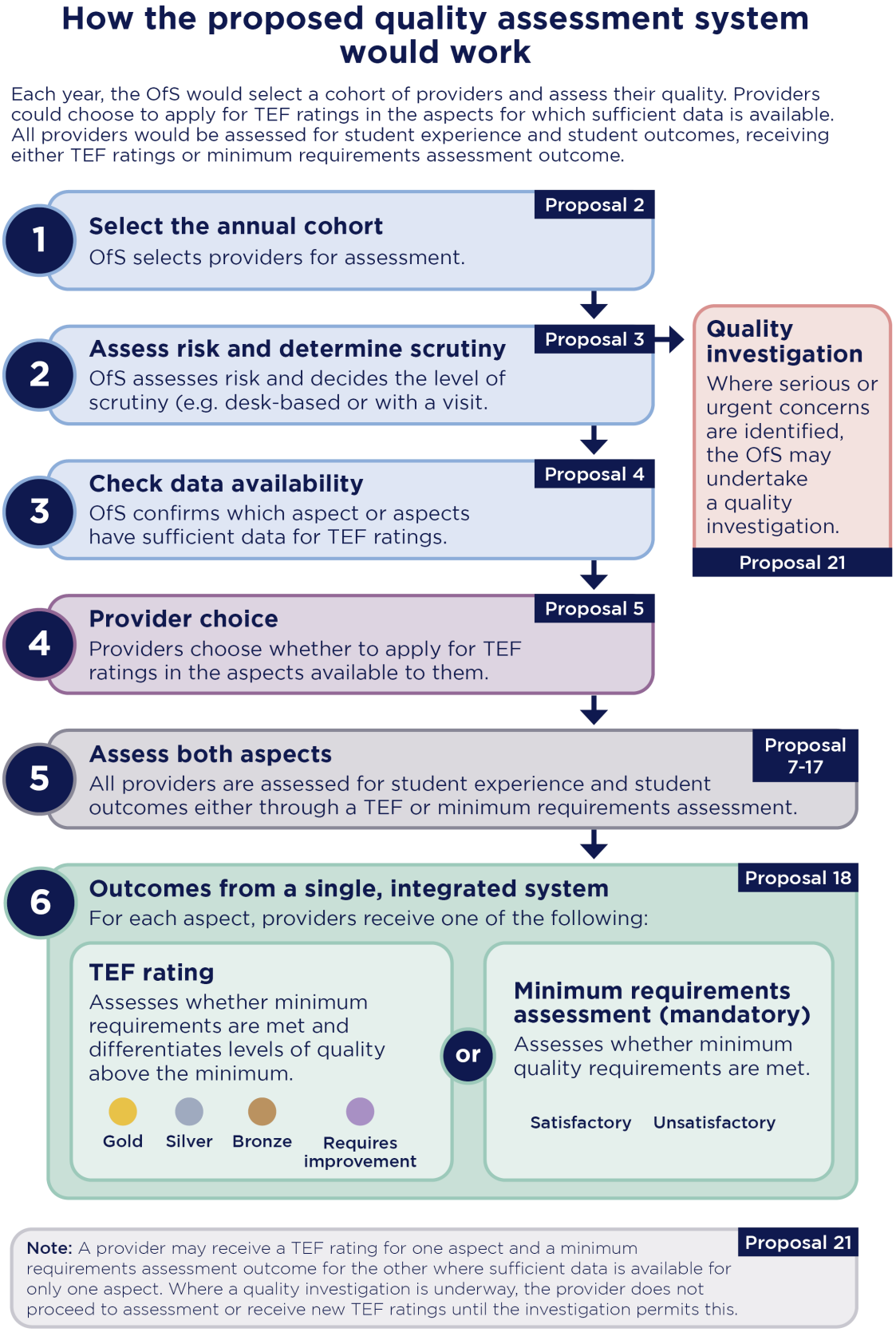
TEF assessments: where providers apply for ratings that show different levels of quality below, at or above the minimum requirements.

Minimum requirements assessment: where providers do not apply for TEF ratings and are assessed only on whether or not they meet minimum requirements.

Quality investigations: where we identify potential concerns about compliance and carry out an assessment focused on establishing whether the concerns are substantiated.

48. Figure 1 below summarises the proposed system.

Figure 1: Overview of the assessment system



Question 1: Do you agree, partly agree or disagree with the proposed approach to a single quality assessment system where all providers are assessed through a common approach and may choose to apply for TEF ratings?

Please explain your reasons.

Proposal 2: Selecting annual cohorts for assessment

Summary

Stage one decisions

- We will assess providers in annual cohorts rather than all at once.
- Nearly all providers with undergraduate provision will receive their first assessment within the first three years of the scheme.
- We would defer the assessment of some providers into a fourth year if they did not have sufficient data to allow an assessment.
- In the first year we will prioritise assessing providers with existing Bronze or Requires improvement aspect ratings.
- When scheduling other providers for their first assessment, we will take account of several factors, including increased risks to quality and providers' access to the benefits of holding a TEF rating.
- We will link the timing of future TEF assessments to the ratings awarded and ongoing risk monitoring.
- We will normally assess providers with Gold ratings after five years, Silver after four years and Bronze after three years.
- We will decide when to reassess a provider based on its lowest aspect rating or outcome, or its only aspect rating or outcome if it has just one.

What we are proposing now

- We propose using additional factors to decide when to assess a provider.
- We also propose that we would normally reassess providers with a Requires improvement or Unsatisfactory outcome after two years.

Why we are proposing this

- These proposals will allow assessments to take place when evidence is available, consider other relevant factors and help us complete the first round of assessments efficiently.

Key points of this proposal

- We would use a transparent set of factors to decide which providers to assess each year and when those assessments take place.
- We would normally seek to schedule providers for assessment when they have sufficient data, so they could apply for TEF ratings.
- However, we may schedule providers for assessment before sufficient data is available where other factors indicate that an earlier assessment is appropriate, including where there are concerns about compliance with the minimum requirements.
- We would take account of other factors for scheduling, including the timing of DAPs assessments, the timing of access and participation plans, and subcontractual partnerships where this would help improve alignment between regulatory processes or support more coherent assessments.
- We would normally reassess providers with a Requires improvement rating or Unsatisfactory outcome after two years.
- We would normally reassess providers with Satisfactory outcomes after three years.
- As well as linking the timing of subsequent assessments to the TEF ratings or minimum requirement outcomes, we would also take account of a range of other factors.

Explanation

Scheduling annual cohorts for assessment

49. Following stage one, we decided that for TEF assessments, we would assess providers in annual cohorts and that nearly all providers with undergraduate provision would receive a first assessment within three years. We decided that:

    - we will take account of several factors when deciding when to schedule providers for their first assessments
    - during the first year (2027-28) we will prioritise all providers with an existing TEF aspect rating of Bronze or Requires improvement
    - during the second and third years we will assess all remaining providers with existing Silver or Gold TEF ratings, and nearly all remaining providers without existing TEF ratings.

50. We also said we would consult further on the factors we would use to schedule assessments.

51. We now propose additional factors that we would consider when scheduling a cohort of providers for assessment each year. Following the initial risk assessment (set out in Proposal 3), providers with sufficient data would be able to apply for TEF ratings. Those without sufficient data or that choose not to apply for TEF ratings would be assessed for compliance

with minimum requirements. If we are concerned that a provider may not be meeting our requirements, we may carry out a quality investigation.

52. Table 2 below lists the full set of factors we would consider when scheduling annual cohorts of providers for assessments. It includes both the factors we decided following stage one, and the additional factors we are proposing, indicated as '**New***'.* We also propose to prioritise the factors, for transparency.

Table 2: Scheduling factors

Priority	Scheduling factor
Highest priority	The TEF rating or assessment outcome held by the provider.
	Increased risks to quality.
	New: Availability of data to support a TEF rating.
Medium priority	Enabling providers to access the benefits of holding a TEF rating.
	Mergers or structural changes at a provider.
	New: Timing of degree awarding power assessments.
Lower priority	Assessing a diverse mix of providers each year.
	New: Subcontractual partnership arrangements.
	New: Alignment with timing of access and participation plans.

53. We would use these factors to select a cohort of providers for assessment each year. No single factor would determine scheduling decisions in isolation. We would consider the full range of relevant factors, giving greater weight to those identified as higher priorities.

54. Where possible, we will assess providers without TEF ratings early in the first assessment cycle if they ask us to, so they can access the benefits. If we receive more requests than we have capacity for, we will use the wider scheduling factors to decide which providers to assess first.

55. During the first year we expect to assess a smaller number of providers than in the following two years. We anticipate assessing up to 120 providers in the first year, and up to 150 per year in the following two years. This will give us time to put the new processes into practice and improve them during the first year. Starting with fewer assessments will help us and the assessment teams identify and resolve practical problems, making assessments more efficient in later years.

56. Our reasons for proposing the new factors are as follows:

- Giving high priority to data availability would allow as many providers as possible to apply for a TEF rating based on enough evidence. This supports our decision after stage one to assess providers whenever there is enough data. We propose scheduling an assessment when there is enough data for at least one aspect and, where possible, both aspects. For example, if data is available for one aspect and we expect more data soon, we would probably delay the assessment so that it can cover both aspects.

- Considering the timing of DAPs quality assessments would avoid unnecessary duplication and burden. For example, if a provider is due to undergo a quality assessment as part of its DAPs application, we would consider how best to sequence this with its TEF assessment. This is likely to only apply to providers that have already applied for DAPs.

57. As Proposal 11 explains, in the case of subcontractual provision, we may sometimes assess a lead provider and its main delivery partner or partners in the same year. This is because the quality of subcontractual provision may be relevant both to the assessment of the delivery partner and to the assessment of the lead provider, which remains responsible for the quality of that provision. Lead providers would be required to include evidence about subcontractual provision in their submission. Assessing partners within the same assessment cohort would therefore allow us to consider relevant evidence in a more joined up way. We would not expect to do this in all cases but may do so where it would support a more coherent assessment of quality.

58. In the stage one consultation, providers were interested in timing TEF assessments and access and participation plans so that each could inform the other. The two processes often support each other. The TEF looks at a provider's past performance, including differences in students' experiences and outcomes. Access and participation planning requires providers to develop ambitious and realistic plans to tackle barriers faced by underrepresented groups, and to assess how well those plans work.

59. Ideally, we would carry out a TEF assessment first so that its findings can inform a provider's future access and participation plan. We therefore propose using this as one factor when scheduling TEF assessments.

60. However, we may have few opportunities to do this in the first year of the new TEF because approved access and participation plans run for several years and we will prioritise providers that already have Bronze or Requires improvement ratings. We may have more opportunities in later years, but we would not give this factor priority over other scheduling factors.

61. If the TEF identifies improvements that a provider could make by changing its access and participation plan, the Director for Fair Access and Participation may work with the provider to agree those changes.

62. We will review this approach and consider how to further improve the sequencing of TEF assessments and access and participation plans in the future.

Subsequent assessments

63. Following stage one we decided that:

- we will normally reassess providers with Gold ratings after five years, Silver after four years and Bronze after three years

- we will base the timing of reassessment on a provider's lowest, or only, aspect rating.

64. Because a Bronze rating and Satisfactory outcome, would be broadly equivalent outcomes, we propose the same reassessment interval of three years would normally apply where a provider has either outcome.

65. In the stage one consultation, we said we would decide case-by-case when to reassess a provider with a Requires improvement rating. This would allow us to address concerns in a timely way.

66. Providers judged to require improvement represent risk to students and a need for rapid improvement. We therefore propose scheduling the provider's next quality assessment after two years. In practice, this is the earliest we could reassess a provider. For example, a provider is selected for assessment in summer 2027. It submits evidence in December 2027, receives a provisional rating of Requires improvement in summer 2028 and its final rating in January 2029 (if it makes representations). We would normally select it for assessment again in summer 2029 and it would need to submit again in December 2029, two years after the first assessment.

67. Because a Requires improvement rating in the TEF, and an Unsatisfactory minimum requirements outcome, would be broadly equivalent, we propose the same reassessment interval of two years would normally apply where a provider has either outcome.

68. Once we select the provider for reassessment, as with all other providers, we would complete a risk assessment (see Proposal 3). This would assess the appropriate level of evidence gathering and scrutiny for the quality assessment, or whether we should investigate the provider instead.

69. We considered whether reassessment following a Requires improvement rating or Unsatisfactory outcome should focus solely on the specific concerns that led to the original judgement. This might allow for a more targeted assessment, for example where a provider was judged as unsatisfactory on specific criteria, the reassessment could focus solely on those criteria. However, our view is that quality should be reassessed in the round. A provider's overall performance may have changed since the previous assessment and new evidence may have become available.

70. For that reason, our preferred approach is that reassessment should normally be a full assessment rather than a more limited review.

71. We would expect providers to demonstrate how they have responded to the concerns of the earlier assessment and what improvements they have made. However, the subsequent assessment would continue to consider all relevant evidence and criteria.

72. Where a provider improves and is awarded a higher rating or outcome than Requires improvement or Unsatisfactory, it would return to the standard reassessment interval associated with its new outcome. Where a provider does not improve at its next assessment, it would normally experience increasingly significant regulatory action (see Proposal 21).

73. Following stage one, we decided to link the timing of subsequent TEF assessments to the ratings awarded and ongoing risk monitoring. We now propose the expanded set of scheduling factors above would apply both to providers' first assessments under the future quality system and to subsequent assessments.

74. In developing the operational detail of the system, we now consider that many of the factors that we decided are relevant to scheduling a provider's first assessment would remain relevant for subsequent assessments. For example:

- If a provider applies for TEF ratings and receives Silver ratings and undergoes a merger four years later when it would be due for reassessment, we would consider whether it is appropriate to delay its next assessment until after the merger has concluded.

- If a provider has Satisfactory outcomes and wants to access the benefits of TEF ratings at its next assessment, we would consider the availability of data when scheduling its next assessment.

75. We therefore propose to apply a single set of factors when deciding the timing of providers' first and subsequent assessments.

76. We would continue to give high priority to a provider's lowest TEF rating or minimum requirements assessment outcome. We would normally reassess providers after five years for Gold, four years for Silver, three years for Bronze or Satisfactory, and two years for Requires improvement or Unsatisfactory. This may then be adjusted depending on the other scheduling factors.

Further detail on the proposed approach to scheduling is set out in Part 2.2 of the draft guidance.

Question 2: Do you agree, partly agree or disagree with the proposals for selecting annual cohorts of providers for assessment, including:

2.a. the additional factors we would take into account

2.b. the proposed arrangements for subsequent assessments?

Please explain your reasons.

Proposal 3: Risk assessment and determining the level of scrutiny

Summary

Stage one decisions

- We will introduce a risk monitoring tool that sets out the factors associated with increased risks to quality.
- We will use risk monitoring to inform decisions about when we assess providers.
- We will integrate assessments of compliance with condition B3 into TEF student outcomes assessments.
- We will retain the ability to assess providers earlier where we identify increased risks to quality.

What we are proposing now

- We would conduct an initial risk assessment before each quality assessment.
- This would identify any potential concerns about compliance with quality conditions and determine whether we need to do a quality investigation.
- It would also determine if we need more evidence for the assessment.

Why we are proposing this

- This would allow us to target assessment at areas of greater risk, provide stronger assurance about quality and student outcomes, and create a more integrated quality assessment system.

Key points of this proposal

- Each year, we would carry out an initial risk assessment of every provider selected for a quality assessment based on factors that may indicate risks to quality, including information from our regulatory work, notifications, student outcomes and indicators of students' experiences.
- The risk assessment would aim to identify risks and potential concerns about compliance with quality conditions to establish whether a quality investigation is needed, or if additional evidence would be needed to assess the student experience.
- Providers would be categorised into one of five risk categories ranging from no or low risk to high risk.
- Most providers would proceed through a desk-based assessment.

- Where we identify particular risks, we may gather additional evidence and conduct a visit as part of an enhanced assessment of the student experience.
- Where we identify concerns about a provider's student outcomes indicators not meeting minimum B3 requirements, we would invite the provider to submit relevant contextual information about these indicators.
- We would inform providers at the start of the process about any identified risks, any requests for additional information and whether a visit would be required.
- Providers would not be able to apply for a TEF rating while a quality investigation is underway.

Explanation

Initial risk assessment

77. Following stage one we decided to introduce a risk monitoring tool that sets out the factors associated with increased risks to quality. We decided we will make use of the risk factors and indicators to inform decisions about when we should assess a provider in the TEF. We have published the quality risk monitoring document alongside this consultation.[2]

78. We propose carrying out an initial risk assessment for each provider selected for a quality assessment. This would help us decide how closely to assess the provider, whether we need more evidence and whether concerns about compliance mean that we should carry out a quality investigation instead.

79. We consider that we could appropriately assess most providers using a standard package of desk-based evidence. This would normally include:

Table 3: Standard evidence requirements

	TEF assessment	Minimum requirements assessment
Student experience	NSS indicators Provider submission Student submission	NSS indicators, if available Provider submission
Student outcomes	Student outcome indicators Provider submission	Student outcome indicators Provider submission, if there are indicators of concern

80. However, we do not think that a standard evidence package will always provide sufficient assurance about quality where we identify particular risks. We may need to explore these risks through additional evidence and assessment.

81. For example, in some cases NSS indicators may provide a positive picture of quality while other information available to us could suggest potential risks or concerns. Additional

[2] Available at Proposals for a revised approach to assessing and rating quality - Office for Students.

evidence and assessment would provide a mechanism for the assessment to examine identified risks and test whether we can rule out potential concerns about quality. We prefer this approach to starting a quality investigation whenever we identify risks. It allows us to examine and resolve many concerns through the regular assessment process.

82. The initial risk assessment would consider information, including:

- notifications
- reportable events
- regulatory intelligence from external organisations and agencies
- NSS indicators
- student outcomes indicators
- previous regulatory findings and compliance activity
- information about the size and shape of provision
- other factors within the OfS quality risk factors document.

83. We would look at the risk factors together and use our judgement to decide how closely to examine the provider. The risk assessment would not in itself show that a provider is failing to meet minimum requirements and would not predetermine the outcome of the provider's assessment.

84. We would not normally base the risk assessment on a single risk factor or isolated data point. However, in some circumstances a single source of information may indicate concerns that are sufficiently serious to justify a higher-risk categorisation.

85. We have decided after stage one that we will update the risk factors over time. We will also consider which indicators could help us identify risks to examine during an assessment. For example, we plan to discuss with professional, statutory and regulatory bodies what information they could share with us, such as pass rates.

Risk categories

86. To help us make consistent decisions, we would categorise the level of risk identified in the initial risk assessment. This risk categorisation would not be a judgement about quality itself and we would not publish it. Its purpose would be to inform decisions about the most appropriate level of scrutiny. The initial risk assessment would place a provider in one of five broad risk categories.

Table 4: Risk assessment categories

Category	Description
Category 1: No or low risk	No or only minor risks to quality are identified.
Category 2: Low-medium risk	A small number of lower-level risks are identified. These are unlikely, either individually or collectively, to indicate concerns about compliance.
Category 3: Medium risk	A pattern of risks is identified that may merit additional evidence gathering and assessment.
Category 4: Medium-high risk	More substantial risks are identified that may indicate concerns about compliance and require enhanced scrutiny .
Category 5: High risk	The information available to the OfS indicates there may be serious, systemic or widespread concerns about quality, or concerns requiring urgent investigation.

87. In deciding on the risk category, we would consider both the number of identified risks and their significance. A single serious concern from specific intelligence may result in a higher-risk categorisation than several lower-level concerns.

88. A categorisation that a provider is high risk would be more likely where:

    a. multiple sources of information point towards the same or a similar concern, for example it has a high volume of notifications as well as multiple risk factors

    b. the information available suggests a potentially significant impact on students

    c. progress to resolve previous serious concerns remain untested.

Determining the level of scrutiny

89. The outcome of the risk assessment would inform the level of scrutiny applied to the assessment, or whether a quality investigation is more appropriate:

    a. Providers in Categories 1 and 2 would normally proceed through a standard assessment.

    b. Providers in Categories 3 may proceed through an enhanced assessment, involving additional evidence gathering.

    c. Providers in Categories 4 would normally proceed through an enhanced assessment, involving additional evidence gathering.

    d. Providers in Category 5 would normally be subject to a quality investigation before proceeding through assessment or becoming eligible to receive a TEF rating.

90. If we identify more providers with risks or concerns than we can investigate in a year, we would prioritise those with the highest risks and the greatest potential impact on students.

91. Where we identify risks that we can explore by gathering more evidence, we may undertake an enhanced assessment.

92. An enhanced assessment would gather more evidence about the risks to the student experience that we had found. It would establish whether those risks can be satisfactorily explained or indicate concerns about compliance.

93. An enhanced assessment would not assume that concerns exist. Its purpose would be to provide additional assurance.

Further information about the proposed approach to the enhanced student experience assessments is in Proposal 11.

Quality investigations

94. Some concerns about the quality of the student experience cannot be appropriately addressed through a minimum requirements or TEF assessment, even where enhanced evidence gathering is used.

95. We will therefore continue to undertake quality investigations where information available to the OfS suggests that concerns about compliance require more detailed, urgent or targeted examination.

96. A quality investigation may be appropriate where:

- information suggests serious concerns about compliance with quality conditions
- concerns appear systemic or widespread
- concerns require urgent investigation
- a quality assessment identifies issues that are likely to require regulatory intervention if substantiated.

97. Where we decide that a quality investigation is required, this would normally take place before the provider proceeds through its cyclical assessment and is able to apply a TEF rating.

98. An investigation would look at whether a provider meets the minimum quality requirements, whether the concerns about compliance are supported by evidence and whether we need to take regulatory action. Proposal 21 explains how the findings of a quality investigation could affect TEF ratings and minimum requirements outcomes.

99. If we start an investigation, we propose that, in exceptional and very serious cases, we could suspend or remove any TEF rating above Bronze until the investigation ends. A provider with credible and serious quality concerns based on specific information or evidence would not be eligible to apply for a TEF rating. We therefore do not think it should continue to receive the benefits of a higher rating while we investigate those concerns.

Concerns about student outcomes

100. Where our initial risk assessment identifies student outcome indicators that may be below the minimum B3 requirements, we would inform the provider of these and invite it to submit relevant contextual information about these indicators. We would assess any concerns about compliance with condition B3 in the same way, whether or not the provider applies for TEF ratings.

101. Proposal 15 sets out further detail about how we would identify student outcomes indicators of concern, and what we would consider relevant contextual information.

Further detail on the proposed risk assessment process, including risk categories, is set out in Part 3 and 3.1 of the draft guidance.

Question 3: Do you agree, partly agree or disagree with the proposed approach, including:

3.a. to an initial risk assessment

3.b. to determining the level of scrutiny?

Please explain your reasons.

Proposal 4: Sufficient data for TEF ratings

Summary

Stage one decisions

- We will assess and rate providers for student experience, student outcomes, or both, depending on whether sufficient data is available.
- We will use data sufficiency tests to decide which aspects we can assess.
- If a provider does not have enough data for either aspect, we will seek to make more data available and assess the provider once there is enough data.
- We would defer the assessment of some providers into a fourth year if they did not have sufficient data to allow an assessment.

What we are proposing now

- We are proposing that providers may apply for TEF ratings in student experience, student outcomes, or both, where they have sufficient data to support assessment.
- We are proposing revised tests to determine whether data is sufficient for each aspect, measures to increase the availability of data over time, and arrangements for providers that do not have sufficient data for TEF ratings.

Why we are proposing this

- These proposals aim to make sure TEF ratings are based on enough evidence to be fair, reliable and consistent.
- They would also allow as many providers as possible to apply for a rating, while making sure we assess every provider.

Key points of this proposal

- Providers may apply for TEF ratings in student experience, student outcomes or both, depending on whether they have sufficient data for those aspects.
- Where a provider has sufficient data for both aspects, it would have to apply for ratings in both aspects rather than only one.
- Where a provider has sufficient data in only one aspect, it could apply for a TEF rating in that aspect and we would assess it for meeting minimum quality requirements in the other aspect.

- We would aim to schedule providers for assessment when they do have sufficient data to apply for at least one TEF aspect rating.
- We would assess providers without sufficient data in either aspect for the minimum requirements.
- Revised tests would determine if a provider has sufficient data in student experience and student outcomes.
- For student outcomes, continuation, progression and at least one other post-study indicator would need to be available and provide sufficiently strong evidence to support a TEF rating.
- We would improve data sufficiency for student experience by extending the NSS to all undergraduate students on one-year courses once in-year data is available across the sector.
- Before sector-wide, in-year data is available, further education colleges that provide the necessary in-year data through the Individualised Learner Record (ILR) would be able to opt into including students on one-year courses in the NSS.
- We will consult at a later date on an alternative approach to rating the student experience for providers that want to apply for a TEF rating but do not have sufficient data for a TEF rating.

Explanation

Aspects that could be rated

102. Following stage one, we decided that providers would receive TEF ratings for student experience, student outcomes, or both, depending on whether sufficient data is available to support assessment.

103. We also said we would consult further on the definition of sufficient data and on measures to increase the number of providers for which sufficient data is available.

104. We still believe a provider must have enough data for us to award TEF ratings. This data allows assessment teams to compare providers and consistently identify different levels of quality above the minimum required.

105. In Proposal 2 we set out that we would seek to schedule providers for assessment when they have sufficient data in at least one aspect and, as far as possible, in both aspects. Once selected for assessment, we propose that providers may then apply for TEF ratings as follows:

- If the provider has sufficient data for both aspects, it would be able to apply for TEF ratings in both aspects. We consider that it would be undesirable to allow the provider to choose to apply for a rating in only one aspect. This is because allowing providers to choose which aspect to have rated could result in selective participation and give students an incomplete picture of quality. Requiring ratings in both aspects would support transparency and comparability.

- If the provider has sufficient data in only one aspect, it would be able to apply for a TEF rating in that aspect. The provider would be assessed for meeting minimum quality requirements in the other aspect.

Sufficient data

106. We propose refinements to the data sufficiency tests consulted on in stage one. The aim is to ensure that as many providers as possible could apply for a TEF rating with data that can support reliable assessment.

107. We would take the same broad approach to determining data sufficiency as originally proposed. This would involve testing:

    a. Whether there are indicators that:

        i. Cover a substantial proportion of the provider's students

        ii. Provide sufficiently strong statistical evidence to inform a judgement about performance.

    b. Whether there are enough indicators that meet these tests to inform a judgement on the aspect as whole.

108. We set out in Annex C further detail about the revised definitions of these tests and the impact they have on the number of providers that would have sufficient data to apply for a TEF rating.

109. For the student experience indicators, the revised definitions would increase the number of providers that would be able to apply for student experience ratings. We expect a further increase once an additional year of NSS data becomes available and when students on one-year courses are brought within the scope of the NSS.

110. At stage one, we proposed that there would be enough student outcomes data if the continuation measure and at least one other measure – completion, progression, use of skills or earnings – gave a clear picture of performance, supported by strong enough statistical evidence. However, this could mean assessing some providers using only continuation and completion data.

111. We have considered further how post-study outcomes should inform the assessment. In Proposal 12 we explain why we think the student outcomes ratings should reflect both success during study and positive outcomes beyond study. We also set out the reasons why we do not think a single measure should determine judgements about post-study outcomes in isolation.

112. We therefore propose that there must be enough student outcomes data to assess performance clearly. This means data must be available for continuation, progression and at least one other measure of what students do after their studies. We believe TEF ratings for student outcomes should consider both what happens during students' studies and what they do afterwards. This will make the ratings more relevant to students and easier to understand and use. The proposed criteria for rating student outcomes (see Proposal 13) reflect this approach.

113. Based on analysis of current data, the revised requirements for student outcomes would reduce the number of providers able to apply for a student outcomes rating. However, this is a small number of providers and those affected represent a small proportion of undergraduate students. Providers without sufficient data for a student outcomes rating would continue to be assessed against the minimum requirements for condition B3. In a small number of cases, data may be too limited to support a minimum requirements outcome and we explain in Proposal 13 how we would approach these providers. The proposal would also affect providers that register in future, as it would likely take them longer to build up sufficient data to apply for a student outcomes rating, and would be more likely to only be able to apply for a student experience rating in their first assessment.

114. Under this proposal, providers would not be able to apply for a TEF student outcomes rating until at least progression and another post-study outcomes indicator become available. However, we would still assess these providers against condition B3 through the quality assessment process. This means we would continue to investigate concerns about student outcomes, even if there is not enough evidence to award a TEF rating.

Increasing the availability of data

115. We have also considered how to improve data availability over time so that more providers can apply for TEF ratings. About half of the providers without enough NSS data mainly have students on one-year courses. These students are not included in the NSS survey. We propose to extend the NSS to include one-year courses, to increase the number of providers that can apply for student experience ratings. We estimate that this could allow us to rate up to 50 more providers for student experience.

116. To extend the NSS to one-year courses we need to identify students within the scope of the survey that have registered in the current academic year. To do that, we would need in-year student data. The first live in-year student data collection via Jisc, delivered through the In-year Student data programme, will be in 2028-29. We propose to include all undergraduate students on one-year courses within the NSS once in-year student data is available for all providers. This would be no earlier than the 2029 survey and, depending on timings, potentially in 2030.

117. The providers affected by this issue are mostly further education colleges and many colleges already return in-year data through the ILR. This means we could start surveying students on one-year courses at colleges with good quality in-year higher education data earlier.

118. Until in-year data is available for all providers, we propose allowing further education colleges to choose whether to include their one-year courses in the NSS. They could do this if they provide the required in-year data through the ILR.

119. In this interim period, we would survey students on one-year courses in the same survey window and using the same questionnaire as other students. As numbers are likely to be relatively low until we include all providers, to benchmark the data effectively we would need to use a population that includes all students, rather than just students on one-year courses. However, because we use level of study as a benchmarking factor this ensures that we will use only students on similar types of course in the comparison.

Providers without sufficient data for either aspect

120. We recognise that some providers, particularly newer or smaller providers, may not have sufficient data in either aspect. Data availability for these providers would improve over time as newer providers operate for longer, providers recruit additional cohorts of students, or benefit from extensions to NSS coverage. For newer providers, we may have data from before they registered with us. For example, they may previously have delivered courses under a subcontract. We would consider this data when deciding whether there is enough data to assess the provider.

121. In Proposal 2 we set out how we would aim to schedule providers for assessment when sufficient data is available for TEF ratings, including deferring some providers into a fourth year if that would improve data sufficiency. Where sufficient data for TEF ratings in either aspect remains unavailable for an extended period, we would assess providers only against the minimum quality requirements for the relevant aspect or aspects. This would make sure that we assess all providers, including newer, smaller and specialist providers that may not have enough evidence for a TEF rating.

122. We recognise that providers may want to apply for a TEF rating even if they have not had enough data for both areas over a long time. If this is the case, we would consult later on an alternative assessment approach that could enable providers to apply for a TEF student experience rating without sufficient NSS data. The approach would likely involve provider and student submissions as well as a visit. We would anticipate consulting on this in time to implement such an approach during the fourth year.

Question 4: Do you agree, partly agree or disagree with the proposed approach to data being sufficient to apply for TEF ratings, including the:

4.a. definitions of sufficient data for assessment of each aspect

4.b. approach to increasing the availability of data

4.c. treatment of providers without sufficient data to support a TEF rating?

Please explain your reasons.

Proposal 5: Provider selection and timeline

Summary

Stage one decisions

- We will assess all OfS-registered providers in the future TEF, on a cyclical basis.
- The requirements for participation in the TEF would be set out under a revised condition of registration (condition B6).[3]

What we are proposing now

- We have reconsidered our decisions following stage one and are proposing a different approach. As explained in Proposal 1, we now propose that all providers would be assessed on a cyclical basis and providers could choose to apply for TEF ratings.
- We would notify selected providers by the end of July each year, and eligible providers would have two weeks to confirm whether they want to opt for TEF ratings.
- Providers would be required to submit evidence relevant to their assessment, support student submissions or visits if applicable, and publish their outcomes.
- We also propose assessment timetables and arrangements for extensions and deferrals.

Why we are proposing this

- These proposals would provide a clear and consistent process for assessments, enable providers to prepare effectively, and ensure assessors have access to the evidence they need to reach robust and timely judgements.

Key points of this proposal

- We would notify selected providers each year about their assessment, including whether they have sufficient data to apply for TEF ratings, the assessment requirements that apply to them and the relevant deadlines.
- Providers with sufficient data would have two weeks to confirm if they do not wish to apply for TEF ratings.
- We would assess all providers against conditions B1, B2, B3 and B4.
- All providers would be required to submit evidence, facilitate a visit if applicable and publish their outcomes.

[3] See Condition B6: Teaching Excellence Framework participation [PDF].

- Providers applying for TEF ratings would submit additional evidence of quality that meets or exceeds the minimum requirements, and facilitate student submissions (if being rated for the student experience).
- We would normally give providers 4.5 months to prepare provider submissions.
- Providers would not normally be able to defer an assessment, although we may agree a deferral in limited circumstances where proceeding would not be in students' interests.
- Smaller providers could request a short extension to their submission deadline where it coincides with specified external assessment or inspection activity.
- Providers that have a visit as part their assessment could also request a short extension to their submission deadline.

Assessment notification

123. We propose to complete the activities we describe in Proposals 2 to 4 by the end of July each year, so that we can use the latest student outcomes and NSS data to inform the selection and determination of sufficient data.

124. For the first year (2027-28) we would also publish the final TEF guidance and the data dashboards by the end of July.

125. We would then notify the selected providers in writing and tell them:

- whether the provider has sufficient data to apply for a TEF rating in one or both aspects
- whether the provider would be subject to an 'enhanced' assessment of the student experience (see Proposal 11)
- any student outcome indicators of concern (see Proposal 15)
- what the provider would need to do if it applies for TEF ratings (including, for example, the requirements relating to the student submission if applying for a student experience rating, and the relevant page limits for the provider submission)
- what the provider would need to do if it does not apply for TEF ratings, or applies for a rating in the only aspect it has sufficient data for
- the deadline for the submission and any other information required.

126. Providers would have two weeks to confirm whether they are not applying for TEF ratings so that we can plan for the assessments in a timely manner.

Applying for TEF ratings

127. Under Proposal 1, we propose that all providers selected for assessment each year would undergo assessment through the same overall quality system. We would assess all providers for whether they meet conditions B1, B2, B3 and B4. Providers applying for a TEF rating would not undergo a separate assessment of this. Instead, they would provide additional evidence necessary to support judgements about quality above the minimum requirements.

128. We expect that most registered providers would choose to apply for TEF ratings because TEF ratings provide public recognition of quality and enable providers to access a range of benefits associated with those ratings.

129. However, we recognise that some providers may only want to show that they meet minimum quality requirements and may not want to seek TEF ratings. Also, providers could not apply for TEF ratings in any aspects that do not have sufficient data. Instead, we would assess them for meeting minimum quality requirements.

130. We propose practical requirements for providers that apply for TEF ratings. These requirements would help us run assessments effectively, give assessors the evidence they need and ensure that providers communicate their ratings consistently.

131. Under proposed revisions to condition B6, providers applying for TEF ratings would need to:

- provide relevant staff and student contact details
- submit relevant evidence for the aspect or aspects we are assessing them for, by the deadlines specified by us
- respond to any information requests made as part of the assessment process
- facilitate an independent student submission (if being rated for student experience)
- facilitate an on-site visit by the assessment team, if applicable
- publish and display their TEF ratings
- comply with a student recruitment limit where applicable.

Evidence needed

132. The quality assessment system would assess compliance with conditions B1, B2, B3 and B4 for all providers.

133. For providers that do not apply for TEF ratings, we would normally require the following evidence:

a. For student experience:

i. A submission that demonstrates how the provider meets the requirements of conditions B1, B2 and B4

ii. If selected for an enhanced assessment of the student experience, additional information and a site visit, as set out in Proposal 11

iii. If NSS data is available, we will also consider it in the assessment.

b. For student outcomes:

i. Any student outcome indicators that are available

ii. Only if we identify indicators of concern, a submission that provides relevant contextual information about these indicators.

134. Providers applying for a TEF rating would need further evidence that could support judgements about quality above the minimum requirements:

    a. For student experience, this would normally include:

        i. Sufficient NSS indicators

        ii. A provider submission demonstrating how the provider meets or exceeds the requirements of conditions B1, B2 and B4

        iii. A student submission

        iv. If selected for an enhanced assessment of the student experience, additional information and a site visit, as set out in Proposal 11.

    b. For student outcomes, this would normally include:

        i. Sufficient student outcome indicators (including at least continuation, progression and another post-study indicator)

        ii. A submission that provides relevant contextual information, including in relation to any indicators of concern.

135. The TEF criteria do not cover every requirement in condition B4. Providers applying for a TEF rating would therefore need to give assessors enough information to judge the parts of condition B4 that the TEF criteria do not cover directly.

Timeline

136. We propose to notify providers by the end of July and the deadline for providers' submissions would be in mid-December, giving providers 4.5 months' notice to prepare their submissions. We heard after the 2023 TEF that providers would appreciate more time to prepare submissions. We have sought to lengthen the submission window as far as possible, while still allowing sufficient time for the assessments to conclude on time to inform student choice.

137. We consider that extending the submission window from 3.5 months (as it was in the 2023 TEF) to 4.5 months would allow providers enough time to prepare submissions. We also propose introducing an opportunity for providers to request an extension to the submission deadline in some circumstances. We also note that we have reduced the range of evidence that most providers would need to submit for student outcomes.

138. We propose a later deadline for the TEF student submissions to allow TEF student contacts sufficient time as we would not confirm them until after we have notified providers.

139. A timeline for the first year of assessments is below. We would expect to follow a similar annual timeline in subsequent years.

Table 5: Assessment timeline

Activity	Date
Publication of guidance, revised B conditions and data indicators	By end of July 2027
Inform first cohort of providers of their selection for assessment in 2027-28	By end of July 2027
Deadline for selected providers to confirm if they want to apply for TEF ratings	By mid-August 2027
Deadline for providers having a student experience TEF assessment to nominate TEF student contacts for student submissions	By end of August 2027
Site visits to providers with an enhanced assessment of student experience	October 2027
Deadline for provider submissions	Mid-December 2027
Deadline for TEF student submissions	End of January 2028
Assessments carried out	January 2028 to July 2028
Inform providers of final outcomes (Silver and Gold TEF ratings and Satisfactory outcomes), or provisional outcomes (Bronze and Requires improvement ratings and Unsatisfactory outcomes)	End of July 2028
Deadline for representations from providers with provisional ratings or outcomes	End of August 2028
Publish ratings, outcome and associated material for providers that do not make representations	End of September 2028
Publish ratings, outcomes and associated material for providers that make representations	End of January 2029

Deferral of an assessment

140. Once notified, providers would not normally be able to request deferral of an assessment into a later year.

141. However, we may defer an assessment in limited circumstances where proceeding with an assessment would not be in students' interests. These could include major organisational changes, such as mergers or structural changes, or serious events that materially affect the provider's ability to operate normally. In these circumstances, we may consider a deferral.

Extensions to submission deadlines

142. We propose that providers would be able to request a short extension of no more than four weeks to their submission deadline, in the following circumstances:

    a. Where the deadline for a small provider coincides with another significant external assessment or inspection that relies predominantly on the same members of staff.

    b. Where a provider has a visit as part of its assessment of the student experience (see Proposal 11).

143. Where appropriate, we may agree a revised submission date, taking account of the provider's circumstances and the practical requirements of the assessment timetable. We would consider deadline extensions of up to four weeks. Extending submission deadlines beyond four weeks would have a significant impact on the timelines for the assessment and reduce our ability to publish assessment outcomes in a timely way to inform student choice.

Assessment costs

144. We have sought to design the future quality system in a way that provides robust assurance and drives up quality while minimising unnecessary costs and burden on providers and targets assessment activity where there are greater risks to students.

145. Implementing the proposed system would involve additional costs to the OfS, including:

- the costs of conducting initial risk assessments, TEF assessments (including visits to providers where applicable), overhead costs for minimum requirement assessments (including visits to providers where applicable)
- development and annual publication of data
- guidance and engagement activity
- recruiting and training assessors
- enhancement activity
- extending the NSS to one-year courses (optionally for further education colleges)
- developing a student survey for postgraduate taught students.

146. We said following stage one that we would consult further about assessment costs for providers. We do not plan to charge providers a fee for applying for TEF ratings, and expect to recover these additional costs through other mechanisms. We are not consulting on these mechanisms as they are matters for the DfE to decide.

147. We would charge providers a fee for an assessment against only the minimum requirements or a quality investigation. We have the power to charge fees for a quality assessment that tests a provider's ongoing compliance with our quality conditions.[4] These powers allow us to recover actual costs of assessment.

148. When we carry out an assessment to determine TEF ratings, we would assess compliance as part of the TEF assessment which is also the mechanism for continuous improvement. We therefore think it is more appropriate to cover the costs of TEF assessments through our overall budget. But where there is only an assessment of compliance with minimum requirements, we would recover the costs of that assessment through a fee and think it is appropriate to charge providers for this.

[4] The Higher Education (Assessment Fees (England) Regulations 2023 ('the Assessment Fee Regulations') provide that a fee is payable for the assessment of the quality where the assessment is undertaken by the OfS under section 23(2)(b) of the Higher Education and Research Act 2017 (part 3, regulation 6).

The revised condition B6 is set out in a separate document published alongside the draft guidance.

Question 5: Do you agree, partly agree or disagree with the proposed process and timeline for providers to take part, including:

5.a. the requirements for providers applying for TEF ratings

5.b. the timeline for submissions and arrangements for deadline extensions?

Please explain your reasons.

Proposal 6: Provision in scope for assessments

Summary

Stage one decisions

- The first TEF assessment cycle will cover undergraduate provision, with taught postgraduate provision joining from the second cycle.
- The first cycle will include all undergraduate courses for which a provider is responsible, including provision delivered through partnership arrangements.
- We will present partnership provision data separately. During stage one, we committed to consulting further on how we should assess different partnership arrangements.
- We will take a phased approach to assessing modular provision within the TEF.

What we are proposing now

- We propose that assessments of minimum requirements and TEF assessments should cover the same provision.
- We propose subcontracted provision would fully inform the assessments, in the same way as taught provision. For provision that is only validated by a provider, assessors would separately decide whether the provider meets our minimum requirements.
- We also propose more detail on how we would gradually introduce the assessment of modular and flexible provision in future assessment cycles.

Why we are proposing this

- This approach reflects the different relationships the lead provider has with students on subcontracted and validated-only courses. It makes sure that provision delivered on behalf of a provider contributes fully to its TEF ratings, but that the quality and outcomes of validated-only provision is accountable separately.

Key points of this proposal

- We would present student experience and student outcomes data separately for taught provision, subcontracted provision and validated-only provision.
- Students on subcontracted provision would contribute fully to a provider's TEF ratings and minimum requirement assessment outcomes.
- We would consider differences in quality between taught and subcontracted provision in the same way as other variations within a provider's provision.

- Validated-only provision would not contribute directly to a lead provider's TEF rating. Assessors would make a separate judgement about whether validated-only provision is satisfactory or unsatisfactory.

- Where validated-only provision is unsatisfactory, we may consider restrictions on the provider's DAPs.

- We would not assess modular provision distinctly in the first cycle of the TEF but we would still expect providers to secure positive outcomes for modular students and we would monitor risks associated with modular provision.

- We would introduce a modular completion measure in future that is likely to count the outcome of every module studied and may use different census dates from existing completion measures.

- We are considering introducing a new split indicator for fully flexible part-time study in the existing student experience and student outcomes measures.

- Future TEF cycles may report modular and flexible provision as a distinct mode of study, separate from full-time, part-time and apprenticeship provision.

Explanation

Provision in scope of quality assessments

149. Following stage one we decided that the first TEF assessment cycle will cover undergraduate provision, with taught postgraduate provision joining from the second cycle. This reflected limitations in the data currently available for taught postgraduate provision. We now propose that the provision in scope of an assessment against only the minimum requirements would be the same as for a TEF assessment. This would help make sure that we assess minimum quality requirements consistently across the whole system.

150. However, where we identify serious concerns about the quality of taught postgraduate provision during the first cycle, we may conduct a quality investigation.

Partnership provision

151. Following stage one, we decided TEF assessments would include provision delivered through partnership arrangements. We also said we would consult further on how we should reflect different types of partnership provision in assessment and ratings.

152. We now propose different approaches for subcontracted provision and validated-only provision.

153. Where a provider subcontracts the delivery of teaching, it recruits and registers the student and remains directly responsible for the quality of the student's experience and outcomes. The teaching partner delivers provision on the provider's behalf. We therefore consider it appropriate that students studying through subcontracted arrangements should carry the same weight in assessments as students taught directly by the provider.

154. Under this approach, student experience and student outcomes in subcontracted provision would contribute fully to TEF ratings and to minimum requirements outcomes for each

aspect. We would consider any differences in quality between directly taught and subcontracted provision in the same way as differences between other parts of a provider's provision, such as different subjects, modes of study or student groups. The effect on TEF ratings and minimum requirements outcomes would therefore be consistent with our broader approach to considering variation within provision (see Proposal 17).

155. We would base the indicators for assessment on data from students taught directly by a provider and students taught through subcontracted arrangements. Both groups would contribute equally to the provider's assessment outcome. We would also present separate views for directly taught and subcontracted provision, so that assessors can identify and explore any material differences between them.

156. We propose a different approach for validated-only provision. Although a validating provider remains responsible for quality and standards, it does not directly teach students, register them, or hold a contractual relationship with them. We therefore do not consider it appropriate for the quality of validated-only provision to contribute directly to a provider's TEF ratings.

157. At the same time, we consider it important that validated-only provision remains visible and subject to scrutiny. We therefore propose an approach that holds the validating provider to account for meeting the minimum requirements for quality and outcomes of provision that it validates, without directly affecting its TEF ratings.

158. We propose presenting data for validated-only provision separately from data for provision that providers teach directly or subcontract to others. Assessors would consider all the available student experience and student outcomes data for validated-only provision, together with any relevant contextual information the validating provider submits. Assessors would then judge whether the quality and outcomes of its validated-only provision is satisfactory or unsatisfactory. This judgement would be set out in the assessment report. It would not affect the provider's student experience or student outcomes TEF ratings.

159. We would also take account of evidence from assessments of validated partners where available. For example, where one or more validated partners are assessed as Requires improvement or Unsatisfactory, we may consider that relevant to our judgement about the quality of the validating provider's validated-only provision. This would help make sure that decisions about validated-only provision are based on students' actual experience of quality, rather than only on information from the validating provider.

160. Where validated provision is Unsatisfactory, this would represent concerns about the quality or outcomes of provision validated by the provider. We would consider whether the judgement has implications for the provider's ability to validate other provision, including whether it would be appropriate to restrict the provider's power to award degrees. This might include varying the provider's DAPs to restrict it from entering new validation arrangements.

161. We would expect the provider to address these concerns and demonstrate improvement through the next assessment cycle. If we judge a provider's validated-only provision as Unsatisfactory again at its next assessment, we would normally remove its ability to validate provision delivered by other providers. Proposal 20 explains the possible consequences of an Unsatisfactory judgement, including restrictions on validation activity.

162. We consider this approach appropriately reflects the different relationships providers have with students studying through subcontracted and validated-only arrangements. It ensures that provision delivered on behalf of a provider contributes fully to its TEF ratings, while maintaining separate accountability for the quality and outcomes of validated-only provision. It also allows us to address concerns about validation activity through targeted regulatory action where appropriate.

Modular and flexible provision

163. In the context of the funding for modular pathways through the Lifelong Learning Entitlement (LLE), we decided following stage one to take a phased approach to assessing modular provision in the TEF. We are now consulting on the details of the approach, which would apply to the quality system as a whole.

164. For the first cycle, we decided TEF assessments will consider the quality of the courses within which funded modules sit. We will not require providers to address modular provision separately in submissions, though they may do so where relevant.

165. Student experience and student outcome indicators for modules will not be available to include in the first cycle of assessments. Nevertheless, we would still expect providers delivering modular provision to secure positive outcomes for modular students. Under Proposal 12 we propose to revise condition B3 to make this expectation explicit, but without introducing thresholds at this stage while measures are being developed.

166. During the first cycle, we will monitor risks linked to modular provision, including those funded through the LLE and those funded in other ways. Existing quality risk indicators are likely to apply to modules and modular pathways, including rapid changes in student numbers and exceptional staff-to-student ratios. We will also monitor emerging risks and engage with providers delivering modular provision to inform the development of any future modular-specific risk indicators.

167. As decided in the stage one consultation, we will develop student outcome indicators for modular study for use from the second assessment cycle onwards. We intend to develop a module completion indicator and associated B3 thresholds. We propose that the modular completion measure should align with the existing completion measure by counting students who have completed modules or are still studying them at the census date, as positive outcomes.

168. We are seeking early views on two proposed differences from the existing measure:

    a. Census date: Because modules are shorter than full courses, we will explore census dates that provide a more timely assessment of completion while allowing sufficient time for study to be completed. For example, we expect to consider options that would include measuring the proportion of students who complete or continue after three months or six months. We intend to observe data from early rounds of modular delivery to inform our decision on a census date, and welcome views on other options we should consider.

    b. Counting modules: We propose to count the outcome of every module studied because students may study more than one module within an academic year. This differs from the

current completion measure, under which students studying multiple instances of higher education at the same provider and level are counted only once per reporting year.

169. We will begin collecting data for the modular completion measure from 2027-28. We expect to consult further on the modular completion measure and minimum thresholds before introducing them in 2028-29 or 2029-30, depending on data quality. Final definitions will also be informed by evidence on student behaviour following the launch of LLE-funded modules in January 2027.

170. As our understanding of modular study develops, we will consider whether additional measures of student outcomes or experience will be helpful and how best to obtain the relevant information. This work will draw on evidence gathered through our 2023 call for evidence and the 2025 summary of responses[5] and we will continue to engage with the sector on additional measures. This may include a progression measure capturing post-study outcomes for modular learners. We would not expect any modular progression measure to be available until at least 2030-31.

171. We think it would be helpful in future to report modular study as a distinct mode of study, separately to full-time, part-time and apprenticeship provision. This would recognise the distinct nature of that provision, and the different measures we would be using.

172. We are interested in views about whether students on fully flexible courses should in future also be reported separately from full-time and part-time provision, in the same mode as modular students. This could recognise a more similar pattern of study for modular students and students who register for a full qualification on the basis that they can study at their own pace, pause and return to study in a flexible way.

173. We do not propose introducing a separate mode of study for modular or fully flexible learners at this stage, as we have not yet developed the relevant measures. However, it would be possible to introduce an additional split in the part-time indicators for students on ‘fully flexible’ courses. We are interested in views about whether this would be a useful way to take account of different study patterns.

Postgraduate taught provision

174. We decided following stage one that taught postgraduate provision will be included in the second TEF cycle. We received feedback about the issues we need to resolve before we can include taught postgraduate courses in TEF assessments in future. We are in the early stages of working with Advance HE on the development of a taught postgraduate student survey and will engage with the sector about this from autumn 2026. We will consult at a later stage on the taught postgraduate survey and other issues involved in assessing taught postgraduate provision from the second cycle, before the second cycle of assessments starts in 2030-31.

[5] See OfS, Positive outcomes for students studying on a modular basis and Positive outcomes for students studying on a modular basis: Summary of call for evidence.

Further detail on subcontracted and validated-only provision in submission, assessments and ratings and the treatment of modular provision is set out in Parts 4.4, 5.2 and 6.1 of the draft guidance.

Question 6: Do you agree, partly agree or disagree with the proposed approach, including:

6.a. the treatment of subcontracted and validated-only provision

6.b. the phased approach to assessing modular provision?

Please explain your reasons.

Section 2: Student experience

Proposal 7: Student experience criteria

Summary

Stage one decisions

- Student experience would be rated as Gold, Silver, Bronze or Requires improvement.
- The scope of the aspect will align with conditions B1, B2 and the effective assessment element of B4.
- The aspect will focus on the quality of students' academic experience, including course content and delivery, effective assessment, academic support, learning resources and student engagement.
- Assessment will draw on NSS indicators, a provider submission and a student submission.
- Gold and Silver ratings will represent high levels of quality above the minimum requirements; Bronze ratings will align with meeting the minimum quality requirements.
- We will clarify that the relevant B conditions set out the minimum level of quality required of all providers.

What we are proposing now

- We are proposing how the rating categories would be defined and the criteria that would be used to assess the student experience.
- Criteria for unsatisfactory quality and satisfactory quality would apply to both assessments against only the minimum requirements and TEF assessments.
- Criteria for high quality and outstanding quality would also be used where the provider applies for a TEF rating.

Why we are proposing this

- This would provide a clear and consistent framework for assessing all providers and for distinguishing between different levels of quality.

Key points of this proposal

- TEF student experience ratings of Requires improvement and Bronze would align with minimum requirements outcomes of Unsatisfactory and Satisfactory respectively.
- TEF student experience ratings of Silver and Gold would represent quality above the minimum requirements and would require consistently strong performance across the provider.
- Student experience assessments would consider six criteria mapped to conditions B1, B2 and B4: course content, course delivery, assessment and feedback, student support, learning resources, and student engagement.
- The criteria would focus on students' experiences rather than provider policies, processes or practices.
- Each criterion would be judged, drawing on the relevant range of evidence.
- In TEF assessments, higher ratings would require consistently strong performance across the provider.
- In all assessments, weaknesses in significant areas of provision could limit the outcome awarded.
- We would amend references in conditions B1, B2 and B4 from 'high quality' to 'satisfactory quality' to reflect the minimum requirements of the conditions.

Explanation

175. Following stage one we decided that Bronze ratings will align with meeting the minimum quality requirements set out in the B conditions; Silver and Gold ratings will represent progressively higher levels of quality above the minimum.

176. We are now consulting on the definitions of the TEF rating categories minimum requirements outcomes, the assessment criteria and changes to the B conditions related to the student experience.

177. The quality system is intended both to confirm that minimum requirements in conditions B1, B2 and B4 are met and to recognise and incentivise quality that exceeds those requirements. The criteria therefore describe a continuum of quality from unsatisfactory to outstanding. They are intended to support a single, integrated assessment of quality.

178. All providers would be expected to demonstrate that they meet minimum requirements. Providers applying for TEF ratings would need to provide evidence to demonstrate the level of quality they consider their students to experience. This evidence would be used to determine whether students experience unsatisfactory, satisfactory, high or outstanding quality. Evidence that clearly demonstrates high or outstanding quality would also demonstrate that the minimum requirements have been met.

Definitions of TEF ratings and minimum requirements outcomes

179. Table 6 below proposes definitions for the TEF rating categories. They reflect the decisions taken following stage one about the purpose and structure of the future TEF. In particular, the four rating categories align with the requirements in the B conditions, with Bronze representing provision that is meeting minimum requirements, Silver representing high-quality provision, Gold representing outstanding provision, and Requires improvement indicating concerns about meeting minimum requirements.

180. In TEF assessments, we consider that higher ratings should only be awarded where higher quality is experienced consistently across a provider's provision and student population. While some variation may be expected, significant weaknesses in particular subjects, modes of study or groups of students should constrain the overall rating awarded. This reflects both the expectation that students' experiences should consistently be of high quality and the role of TEF in driving improvement. By linking higher ratings to consistency, we aim to encourage providers to identify and improve weaker areas of provision and poorer experience for particular groups of students, rather than relying on stronger performance elsewhere within the provider. Further details of how we propose to reach judgements about consistency are set out in Proposal 17 and the draft guidance.

Table 6: Definitions of TEF ratings

Rating category	Definition
Gold	Students consistently experience outstanding quality courses, support, resources and opportunities that inspire and stretch them to learn and develop advanced knowledge and skills and reach their full potential.
Silver	Students consistently experience high-quality courses, support, resources and opportunities that encourage and challenge them to develop high levels of knowledge and skills.
Bronze	Students experience satisfactory quality courses, support, resources and opportunities that enable them to learn and develop appropriate knowledge and skills. (In some areas quality may be higher, but not consistently enough for a higher rating.)
Requires improvement	Students experience unsatisfactory quality in one or more significant areas.

181. Where a provider has an assessment against only the minimum requirements for the student experience aspect, we propose that it receives one of the following outcomes, that align with Bronze and Requires improvement TEF ratings:

Table 7: Definitions of minimum requirements outcomes

Outcome	Definition	Aligns with TEF rating:
Satisfactory	Students experience satisfactory quality courses, support, resources and opportunities that enable them to learn and develop appropriate knowledge and skills.	Bronze
Unsatisfactory	Students experience unsatisfactory quality in one or more significant areas.	Requires improvement

182. For simplicity, we propose to use the same assessment criteria and definitions for both TEF ratings and minimum requirements outcomes. Where a provider is assessed only against the minimum requirements this would only lead to findings of Satisfactory or Unsatisfactory quality which would align broadly to the Bronze and Requires improvement rating definitions respectively.

Assessment criteria

183. We propose the assessment would use six criteria based on the relevant B conditions, summarised below. Each of the six criteria would be described at the following levels:

- Unsatisfactory
- Satisfactory
- High quality
- Outstanding.

184. We propose a single set of criteria that would apply to assessments. The criteria for unsatisfactory and satisfactory would apply to both assessments against only the minimum requirements and TEF ratings. The criteria for high quality and outstanding would also be used where the provider applies for a TEF rating.

185. This approach would ensure that all providers have an equivalent assessment of whether they are meeting minimum quality requirements. It would also support assessment teams in conducting the assessments consistently and efficiently.

186. The criteria are intended to support consistent assessment across different types of providers and forms of provision, while allowing assessors to take account of provider context and evidence. They have been developed based on the feedback received about the initial criteria we set out in the stage one consultation and workshops with students and academics, including previous TEF panel members, to help us refine the criteria. As a result, we have revised the initial criteria to:

- focus more clearly on what students experience (rather than how providers seek to deliver quality)
- more clearly differentiate between the quality levels
- more explicitly include within the criteria innovation and support for employability skills and career development. This is because we want to ensure that the quality system encourages and rewards innovation and reflects the importance to students of developing knowledge and skills that will equip them for their future lives and careers.

187. We have also consolidated some of the initial criteria to map them more clearly to both the relevant B conditions and the NSS themes (see Table 8).

Table 8: Summary of assessment criteria

Student experience criterion	Summary
1. Course content	The quality, relevance, coherence, challenge and currency of what students study, including the development of subject knowledge, transferable skills and professional competencies.
2. Course delivery	The effectiveness and quality of teaching, learning activities, study arrangements and staffing in supporting students' learning and development.
3. Assessment and feedback	Whether assessment is appropriately designed, rigorous and challenging, tests relevant knowledge and skills, minimises opportunities for academic misconduct, and supports learning through effective feedback.
4. Student support	The quality and effectiveness of academic and careers support in helping students succeed in their studies and prepare for future employment or further study.
5. Learning resources	Students' access to physical and digital learning resources and environments that support learning and achievement.
6. Student engagement	Opportunities for students to provide feedback and their influence on decisions affecting their academic experience.

188. The criterion relating to assessment and feedback is based on the requirements of condition B4. Some elements of condition B4 would only be assessed at the level of unsatisfactory and satisfactory. For example, we consider that all providers should demonstrate that assessments are designed and conducted to minimise opportunities for academic misconduct, including the use of AI in assessment and support academic integrity. Beyond this we do not consider it appropriate to differentiate between higher levels in relation to these elements of condition B4.

189. These criteria would be assessed using provider submissions alongside the other applicable evidence (as outlined in Annex B).

Further information about the **applicable sources of evidence** is set out in Proposals 8 to 11. Further information about the **approach to assessment** is set out in Proposals 16 and 17.

Unsatisfactory quality

190. The full set of criteria is set out in Annex A of the draft guidance and will explain what would normally be considered unsatisfactory for each of the criteria. Where assessors judge one or more of the criteria to be unsatisfactory, this could contribute to a TEF rating of Requires improvement or a minimum requirements outcome of Unsatisfactory.

191. Evidence contributing to judgements of Unsatisfactory could include NSS indicators that are substantially below benchmark and not adequately explained, evidence from the provider itself indicating that satisfactory quality is not being delivered, or evidence gathered through an enhanced assessment (where applicable). For TEF assessments, evidence could also

include well-evidenced concerns raised through the student submission. A criterion may also be judged as Unsatisfactory where the available evidence is insufficient to provide assurance that satisfactory quality is being delivered and if the assessment team considers that the absence of evidence itself raises concerns.

Changes to conditions of registration

192. In the stage one outcomes, we decided to amend conditions B1, B2 and B4 to clarify that these conditions define the minimum level of quality required of all registered providers, rather than high quality. We propose to achieve this by replacing references to 'high quality' with references to 'satisfactory quality'. If the proposals to changes to the conditions are adopted, we would also make consequential changes to relevant guidance documents.

Further details on the proposed criteria for the student experience aspect, including descriptions of each level of quality, are set out in Annex A of the draft guidance.

Question 7: Do you agree, partly agree or disagree with the proposals, including:

7.a. the definitions of the ratings and outcomes

7.b. the criteria for assessing the student experience aspect?

Please explain your reasons.

Proposal 8: Student experience indicators

Summary

Stage one decisions

- NSS-based indicators will continue to be used and will be expanded to include an indicator based on the NSS 'Learning opportunities' theme.
- NSS-based indicators will be benchmarked to show how students' views compare with those of similar students on similar courses across the sector.

What we are proposing now

- We propose how the NSS-based indicators would be mapped to the assessment criteria, reported for different provider and student populations, and benchmarked using an updated set of benchmarking factors.

Why we are proposing this

- This approach would provide consistent and comparable evidence about students' experiences while supporting fair assessment of providers with different student populations.

Key points of this proposal

- Assessment of each student experience criterion would be informed by a corresponding NSS-based indicator.
- NSS indicators would be based on the most recent four years of data.
- NSS indicators would be presented in a combined view of taught and subcontracted-out provision, as well as separate views for taught, subcontracted-out and validated-only provision.
- The indicators would also be 'split' by subject, course characteristics and student characteristics, including some additional splits to align with access and participation data.
- Benchmarking factors would be revised to replace separate student characteristics with a single composite measure of student characteristics (ABCS).

Explanation

193. NSS-based indicators provide evidence about students' views of different aspects of their academic experience. Following our stage one decisions, these indicators would continue to form an important part of the evidence used in assessing the student experience aspect. As

set out in Proposal 4, a provider would need to have sufficient NSS indicators to apply for a TEF student experience rating. All TEF student experience ratings would therefore be informed by NSS indicators, alongside submissions and other applicable evidence.

194. Where a provider undergoes an assessment against only the minimum requirements for the student experience aspect, we would consider any NSS indicators that are available as part of the assessment, and apply the same approach as set out in this proposal.

195. We propose a direct mapping between each student experience criterion and an NSS indicator. This is based on mapping the relevance of the assessment criteria to the questions asked within each NSS theme.[6] This mapping would help ensure that the quantitative evidence aligns closely with the areas being assessed and makes it clearer how NSS evidence contributes to judgements.

Table 9: Proposed mapping of NSS indicators to student experience criteria

Student experience criterion	NSS indicator
1. Course content	Learning opportunities
2. Course delivery	Teaching on my course
3. Assessment and feedback	Assessment and feedback
4. Student support	Academic support
5. Learning resources	Learning resources
6. Student engagement	Student voice

Structure of the NSS indicators

196. We propose to present a combined view of the NSS indicators for taught and subcontracted-out provision to provide overall indicators covering all provision that will affect the assessment against the criteria. This would enable assessors to start with an overall indication of performance.

197. NSS indicators would also be presented separately for taught provision and subcontracted-out provision to help understand differences between them. They would also be presented separately for validated-only provision to support our approach to assessing this provision in a different way (see Proposal 6). The indicators for subcontracted and validated provision would also be split by named partner provider. We would continue to present split indicators for different student and course characteristics. This would help assessors understand whether students' experiences are consistent across subjects and areas of a provider's provision, and across different groups including students from disadvantaged backgrounds.

198. We are considering ways in which we can align the TEF and access and participation plans to better align the processes and support improvement at providers. This includes aligning the TEF and access and participation data, to enable the two activities to better complement each other. To help improve this alignment we propose in the TEF data to include the more

[6] See the NSS 2027 questionnaire [PDF].

detailed breakdown by type of disability that we use in the access and participation data. We also intend to reinstate the split for free school meals (FSM) eligibility, which was temporarily removed from the current version of the TEF dashboard while we addressed a technical challenge with implementing the required approach to data suppression.

199. We also propose an additional split for Associations between characteristics of students (ABCS) measures. This is because we propose below to use these as a benchmarking factor and for transparency we include all benchmarking factors as split indicators.

200. As set out in Proposal 6 we are also interested in views about whether it would be helpful to include an additional split for students studying on fully flexible courses.

Benchmarking factors

201. We decided following stage one that NSS indicators would continue to be benchmarked. Benchmarking allows providers' results to be considered in the context of the characteristics of their students and courses, providing an indication of how students' views compare with those of similar students studying similar courses elsewhere in the sector.

202. We have reviewed the benchmarking factors used for NSS indicators and, as part of this, have developed ABCS measures for NSS for full-time and part-time students. ABCS allow us better to understand how survey responses vary for groups of students holding different sets of characteristics. It provides us with a single composite measure we can use in place of the separate student characteristics currently used to benchmark the NSS indicators. We are proposing to use ABCS because:

- It would be consistent with the approach we take to benchmarking student outcomes indicators.
- ABCS recognise that students often have multiple characteristics that affect their experiences and outcomes. For example, a student may be female, mature and from a disadvantaged background at the same time. ABCS help us take account of these combined characteristics rather than treating each characteristic in isolation.
- It would reduce the number of benchmarking factors. This would make our benchmarking more effective by reducing the number of distinct benchmarking groups and hence the extent of 'self-benchmarking' that currently occurs, while still allowing us to take account of the factors that have the greatest effect.

Benchmarking groups and self-benchmarking

Our benchmarking method involves creating **benchmarking groups** for each unique combination of categories that exists within the benchmarking factors. We place students from all providers into these groups. For example, we currently have a benchmarking group which includes all under 21, female, black students without a disability studying law on a full-time basis.

To construct a provider's benchmark, we calculate a weighted average based on the percentage of its students that fall into each of these groups and the average rate for each group.

The provider's own students are included in the benchmarking groups. If the characteristics of the students at the provider do not frequently occur elsewhere in the sector, there won't be many other students in the benchmarking groups we use to calculate the provider's benchmark. In these cases, the provider's students heavily influence the weighted average we calculate and this is known as **self-benchmarking**. High levels of self-benchmarking make the benchmark less meaningful as we are essentially comparing the provider with itself rather than the wider sector. Having fewer distinct benchmarking groups decreases the likelihood of high levels of self-benchmarking.

The proposed benchmarking factors are available in Part 4.9 of the draft guidance. For further information about the benchmarking factor review and ABCS for NSS, see the benchmark analysis published alongside the draft guidance.

Indicating performance

203. We propose to retain the broad approach used in TEF 2023 to indicating performance in relation to benchmarks. Performance materially above benchmark would indicate outstanding quality, performance broadly in line with benchmark would indicate high quality, and performance materially below benchmark would indicate performance below the level of high quality. Where performance is below benchmark, assessors would consider the extent of that difference when considering if it indicates that quality may be satisfactory or unsatisfactory.

204. We have carried out analysis to identify whether we should make changes to how we define a material difference from benchmark, published alongside the draft guidance. The findings do not suggest there is a strong reason to move away from our current approach and we would therefore continue to define a material difference from benchmark as 2.5 percentage points either above or below benchmark.

205. We are also not proposing any changes to the way in which we guide assessors to consider the statistical certainty of performance in relation to benchmarks. This is explained in the draft guidance.

206. We do not propose to introduce absolute performance thresholds for NSS indicators. The NSS measures students' perceptions of their experience, and results across the sector are generally concentrated at relatively high levels. We therefore consider benchmarked performance to provide a more meaningful basis for distinguishing different levels of quality.

207. We recognise that because the NSS is a survey of students' perceptions, high or low NSS scores may in some cases be in tension with other elements of quality within the student experience criteria. Our proposals aim to mitigate this.

    a. We are proposing that NSS indicators would normally be weighted equally to the student experience submissions (50-50). This would mean that NSS scores could not, in isolation, lead to a particular rating or outcome.

    b. In Proposal 3 we set out that we would carry out an initial quality risk assessment. Where intelligence suggests a risk that students may not be receiving an appropriate level of academic challenge or sufficiently rigorous assessment, for example, we may carry out

an enhanced assessment. Such risks could arise from intelligence we receive, rapid growth in student numbers, significant changes in patterns of recruitment, or other indicators that appear inconsistent with very high scores in NSS indicators. In these circumstances we would normally gather additional evidence through an enhanced assessment, as set out in Proposal 11. If we have serious concerns, we may carry out a quality investigation instead of a minimum requirements or TEF assessment. Where we gather additional evidence and this conflicts with the NSS indicators, we would put less weight on the indicators.

c. If we have concerns about a provider unduly influencing NSS responses, such as bulk responses, misinformation given about the purpose of the NSS, or undue incentivisation of positive responses, we propose that we would put less weight on NSS data as part of the assessment. We plan to review our published approach to monitoring and investigating allegations of inappropriate influence on the NSS to ensure that this process is appropriately robust, given that TEF ratings and minimum requirements outcomes would be linked to restrictions and in the case of TEF, incentives. In the event that we find inappropriate operation of the NSS, we may suppress publication of the affected NSS data and disregard it in the assessment. We may also judge the student engagement criterion to be unsatisfactory, as inappropriate operation of the NSS would likely be in conflict with the student engagement requirements in condition B2. This could result in a rating of Requires improvement or an outcome of Unsatisfactory.

Further detail on the proposed approach to data used in assessment, including interpretation, consistency, structure and benchmarking factors is set out in Part 4 of the draft guidance.

Question 8: Do you agree, partly agree or disagree with the proposals for the student experience indicators, including:

8.a. the structure of the NSS indicators

8.b. changes to the benchmarking factors

8.c. how performance would be indicated?

Please explain your reasons.

Proposal 9: Provider submissions for student experience

Summary

Stage one decisions

- Providers will determine the evidence included in their submission, taking account of their context and how they meet the student experience criteria.
- Submissions should demonstrate the impact and effectiveness of approaches taken to deliver a high-quality or outstanding student academic experience.
- There will be a page limit for the submission.

What we are proposing now

- All providers should demonstrate in their submissions that they deliver at least a satisfactory student academic experience.
- TEF submissions should also demonstrate the impact and effectiveness of approaches taken to deliver a high-quality or outstanding student academic experience.
- The provider submission would contextualise the NSS indicators and provide a range of additional evidence used by the provider to understand and demonstrate the quality of its students' academic experience.

Why we are proposing this

- This enables providers to evidence the quality of their students' experiences in a way that is flexible for different provider types and contexts, while enabling assessors to gain the additional evidence – beyond the NSS indicators – that they will need to make judgements.

Key points of this proposal

- The provider submission would be self-evaluative, setting out the provider's understanding of the quality experienced by its students and the evidence to support this.
- The submission would focus on students' experiences and, for TEF assessments, improvements in those experiences rather than descriptions of policies, processes or activities.
- The provider would be required to include certain information but beyond this could determine evidence that is relevant, robust and reliable, supported by OfS guidance.
- The submission would cover a four-year period. This would apply across all providers regardless of how frequently they are assessed.

- Submissions should integrate evidence relating to subcontracted provision, and separately contextualise validated-only provision.
- We would rely on Ofsted reports of apprenticeship provision where possible as evidence about the quality of apprenticeship students' experience.
- A structured template would be recommended but not required.
- A TEF student experience submission would be limited to 20 pages.
- A minimum requirements only student experience submission would be limited to 12 pages.
- If a provider is selected for an enhanced assessment, there would be an additional three-page annex to address the risks that we have identified as needing the visit.

Explanation

Content of submissions

208. Following stage one we decided that the provider should determine the evidence, as relevant to its context, that demonstrates how it meets the student experience criteria. We also decided that providers will be guided to supply evidence that demonstrates the impact and effectiveness of their approaches to delivering a high-quality or outstanding academic experience for their students.

209. We now make further proposals about the approach to submissions that build on the stage one decisions, and reflect other relevant proposals in this consultation.

210. Under Proposal 1, we have proposed that providers would be able to apply for a TEF assessment, or would be assessed only against minimum requirements that would determine if the level of quality that students experience at the provider is either Satisfactory or Unsatisfactory.

211. Under Proposal 7, we set out criteria that focus on the quality of what students experience rather than the provider's activities or processes. Under Proposal 8, we explain why we consider that the NSS indicators should normally carry no more than half the weight in the assessment of the student experience.

212. We propose that the student experience submission should be self-evaluative and should provide a range of evidence that goes beyond contextualising the NSS indicators. Instead of describing provider activities or processes, submissions should focus on the outcomes of these processes in terms of the quality experienced by students and the evidence that demonstrates the level of quality experience by students. For TEF assessments, this should include where that quality exceeds minimum requirements.

213. All providers will be expected to demonstrate that their students experience at least satisfactory quality. Providers being assessed only against minimum requirements would need to demonstrate satisfactory quality. Providers applying for a TEF rating would not be expected to separately demonstrate that minimum requirements are met **and** that higher levels of quality are delivered. Instead, their submissions should explain the level of quality

experienced by students and the evidence that supports that evaluation. Evidence consistent with high or outstanding quality would also demonstrate that satisfactory requirements are met.

214. These proposals would mean that providers applying for a TEF rating should explain their understanding of the level of quality experienced by their students and set out a range of evidence to support their conclusions. This should include any important variations across different groups of students or areas of provision, and evidence of the impact of actions taken to improve quality. To support this approach, TEF submissions should address three underlying questions:

    - What level of quality do students experience, and what evidence does the provider have to demonstrate this?
    - How consistently do students experience that quality across the provider, and what evidence supports this?
    - Are students experiencing improvements in quality over time, and what evidence does the provider have to demonstrate this?

215. For providers undergoing an assessment against only the minimum requirements, submissions should address the underlying question:

    - What evidence does the provider have to demonstrate that students consistently experience satisfactory quality across the provider?

216. Providers could discuss the actions they have taken, or the policies and processes they have put in place, but these would be considered as context rather than evidence of what students experience. The submission should focus on the experiences of students and provide a range of evidence used by the provider to understand the quality of their experience. Where a submission describes the provider's activities, policies or processes, it should show the impact on the student experience and the scale of that impact across the student population.

217. The submission could contextualise the NSS indicators but should also provide a range of relevant evidence that addresses the criteria that goes beyond the NSS indicators. In Proposal 8 we map the NSS indicators to the six student experience criteria. However, the questions within the NSS do not cover all elements of the corresponding criteria. We therefore propose that the provider submission should place particular emphasis on supplementing the NSS indicators with evidence about those elements of the criteria that are not covered by the NSS. These include, for example, course coherence and challenge, rigorous assessment, and careers support.

218. Providers would determine what evidence is most appropriate for their context, drawing on their existing approaches to monitoring and evaluating quality. Evidence could be quantitative or qualitative, internal or external. The draft guidance includes information about the general characteristics of stronger or weaker evidence, and examples of types of potential evidence. It also sets out evidence that must be provided in the submission.

219. For example, we consider that Professional, Statutory and Regulatory Body (PSRB) findings can provide valuable evidence about the quality of provision and may be particularly relevant

where they identify issues that could affect students' educational experience or outcomes, support that provision is satisfactory, or highlight outstanding provision.

220. We propose that providers should include information about PSRB activity relevant to the provision being assessed. This should include circumstances where a PSRB has identified concerns about quality, standards or outcomes and has required, expected or recommended actions to address those concerns.

221. We would not normally expect providers to report recommendations about enhancement where the PSRB concluded that its requirements were fully met and no remedial action was necessary.

222. The draft guidance includes further details, at Part 5.5. In determining their evidence, providers would be guided to consider the following characteristics:

- how relevant, robust and reliable the evidence is
- how it is contextualised
- how it demonstrates impact.

223. These proposals recognise that providers differ in size, mission, course offerings, student populations and approaches to monitoring and evaluating quality. We consider there is no single set of policies, processes or organisational arrangements that will necessarily deliver high quality. Submissions would therefore be expected to focus on the outcomes of these processes in terms of the quality experienced by students, rather than on a prescribed set of processes. We would expect submissions to focus on the evidence providers use themselves to understand those outcomes, rather than prescribed types of evidence. This supports institutional autonomy and diversity while maintaining a consistent focus on students' interests.

Scope of the submission

224. Following stage one, we decided that providers awarded Gold ratings would normally be reassessed after five years, Silver after four years and Bronze after three years. In Proposal 2, we propose that providers awarded a Requires improvement rating would normally be reassessed after two years; and that the intervals for providers with Satisfactory and Unsatisfactory outcomes would be equivalent to TEF ratings of Bronze and Requires improvement respectively.

225. Although time between assessments will vary, depending on the ratings awarded, we propose that the provider submission should always cover the most recent four years prior to the submission. We consider that a standard timeframe would make the basis of assessment clearer for providers and support greater consistency between assessments. It would also allow assessors to consider performance over time and the impact of actions taken to improve the student experience.

226. Under this approach:

- NSS indicators would be based on the most recent four years of data

- provider submissions would cover the most recent four academic years
- as set out in Proposal 10, TEF student submissions would primarily present views of current students but could include views from previous cohorts over the last four academic years.

227. In Proposal 6 we propose that subcontracted provision would carry equal weight in the assessment to directly taught provision. We therefore propose providers would be expected to include evidence about subcontracted provision that is proportionate to the scale and nature of that provision and that addresses any material differences in the experiences of students studying through those arrangements.

228. In Proposal 6 we propose a different approach to assessing validated-only provision. Where NSS indicators for validated-only provision are materially below benchmark, providers would have an opportunity to provide contextual information or further evidence about how they ensure a satisfactory quality student experience for these students.

229. For higher education apprenticeship provision, we propose to take account of any relevant findings from Ofsted inspections published within the previous four years. We consider that Ofsted reports provide important evidence about the quality of apprenticeships, particularly in relation to course content, course delivery, certain aspects of assessment, support and learning resources and could help reduce duplication and burden. However, the Ofsted inspection judgements do not map directly to the student experience criteria and ratings, and do not fully address all aspects of our quality conditions, particularly student engagement.

230. We propose that providers would therefore need to address the student experience criteria for apprenticeships, if there are any contradictory themes in their Ofsted report and other evidence, such as NSS indicators. Where Ofsted identifies concerns relevant to the student experience criteria, we would normally expect providers to address those findings in their student experience submission. Positive findings may also provide evidence in support of the quality of apprenticeship provision. We would also expect providers to draw on and respond to relevant outcomes from external quality assurance reports concerning apprenticeship provision in their student experience submission.

Structure and page limit

231. We propose making templates available that are structured around the student experience criteria. Providers would be encouraged, but not required, to use the relevant template. The purpose of the templates would be to help providers present evidence clearly and ensure all criteria are addressed. The draft guidance at Part 5 will also provide further information about what kinds of evidence would be relevant and worked examples of stronger and weaker evidence, to help providers.

232. For a provider's TEF student experience submission, we propose a maximum length of 20 pages. Together with the proposed page limit of ten pages for the student outcomes submission, this would maintain an overall limit broadly in line with the (25 pages) total length for provider submissions used previously. Feedback from the stage one consultation was that the overall limit was generally appropriate, allowing providers adequate space to provide robust evidence. We consider the page limit for student experience should be higher than for student outcomes because there are a wider range of criteria to address for student

experience, and because less weight would normally be placed on the student experience data. We propose to allow for a small increase in overall length of the submission to account for the expectation that providers address satisfactory and high quality.

233. For an assessment against minimum requirements only we propose a maximum length of 12 pages for the provider's student experience submission. This length reflects that these assessments would not require providers to demonstrate that their students experience quality that exceeds minimum requirements.

234. We propose that submissions should be sufficiently clear and self-contained to enable assessment without routine requests for additional information. However, if assessors have concerns, they may seek additional evidence; in exceptional cases they may seek clarification or further information where this is necessary to make a judgement that could materially affect the aspect rating or outcome. Assessors would also access publicly available information to support their assessment.

235. Finally, we propose submissions should provide references to sources of evidence that support key claims made in the submission, in a similar way to the previous TEF. We would take a proportionate, risk-based approach to verifying that these sources of evidence support those claims. The purpose of this referencing and verification is to provide assurance that claims made in the submission are supported by verifiable evidence.

Further details on provider submissions for student experience, including a submission template and worked examples, are set out in Part 5a and Annexes B and C of the draft guidance.

Question 9: Do you agree, partly agree or disagree with the proposed approach to provider submissions for student experience, including:

9.a. the content of submissions

9.b. the scope of submissions

9.c. the structure and page limit?

Please explain your reasons.

Proposal 10: TEF student submissions

Summary

Stage one decisions

- Direct and independent student input will be sought through a student submission, where providers are being assessed for the student experience aspect.
- Student submissions will focus on the student experience aspect and not the student outcomes aspect, although students may comment on how their education develops skills and prepares them for the future.
- Providers will be expected to facilitate an independent student submission. We also decided that stage two would consult on the expectations on providers and the implications where students do not make a submission.

What we are proposing now

- We are proposing that student submissions would be used for TEF student experience assessments only.
- We are also proposing what the scope, content and format of student submissions would be, who would make the submission on behalf of students, and how providers would be expected to support students in preparing a submission while not influencing its content.

Why we are proposing this

- We want to ensure that, where providers apply for a TEF rating, we enable students at as many providers as possible to make an independent submission, with clear responsibilities for the provider to support this.

Key points of this proposal

- We would only require student submissions for TEF student experience assessments.
- We would expect student submissions to address all the student experience criteria, with a particular focus on the issues that matter most to students and where they have the strongest evidence.
- Student submissions would draw on a wide range of student views, with transparency about the views represented and any limitations.
- Student submissions would normally be submitted in writing, with a maximum length of ten pages, with the option of submitting an audio recording accompanied by a transcript.
- Student submissions would be coordinated and submitted by a suitable student representative nominated by the provider and acting on behalf of the wider student body.

- Providers would be required to offer all reasonable support to enable students to prepare an independent submission while not influencing its content.

- Where a provider does not sufficiently support an independent submission, this would be a breach of revised condition B6 and would inform assessment of the student engagement criterion.

Explanation

236. Following stage one, we decided that students should be encouraged and enabled to provide a direct and independent perspective on their academic experience through a TEF student submission. We decided the submission should focus on the student experience aspect rather than student outcomes.

237. We recognise the value of hearing directly from students when assessing the quality of a provider's educational experience. We have therefore considered whether a student submission should form part of assessments against only minimum requirements. However, we consider that it may be disproportionate to require a separate student submission in all cases. Instead, we propose that providers should confirm that they have shared their submission with relevant student representatives and have provided an opportunity for those representatives to comment on its content. Where we identify risks requiring an enhanced assessment, as set out in Proposal 11, the assessment would include direct engagement with students during the site visit.

Scope, content and format of student submissions

238. We propose that TEF student submissions would normally be expected to address all of the student experience criteria. However, students would not be expected to cover each criterion in the same level of detail and could focus on the issues that matter most to their student body and where they have the strongest evidence.

239. To support students in preparing submissions, we propose a more structured approach than in the previous TEF, based around a common set of questions linked to each of the student experience criteria. Students would normally be expected to respond to a broad question about each criterion, while retaining flexibility to determine the level of detail provided for each area. Optional prompts would also be provided to help students identify relevant issues and evidence, but students would not be expected to respond to every prompt. Our draft guidance for students includes a draft template setting out the proposed questions and prompts.

240. We consider that this approach would provide greater clarity about the areas on which we are seeking student views, support students in gathering evidence and preparing submissions, and help to ensure assessors receive information in a more consistent format. The proposed questions and prompts are intended to focus student submissions on areas where students can provide the greatest additional value to the assessment, including aspects of the criteria that may be less well covered by the NSS.

241. We recognise that this approach is less flexible than asking students to determine entirely for themselves which areas to cover and how to organise their submissions. We welcome views on whether asking students to address a common set of questions, while retaining flexibility

over the level of detail provided, strikes an appropriate balance between structure and flexibility.

242. We propose the submission should reflect the views of the wider student body taught by the provider, as far as reasonably possible. This is so the submission could meaningfully inform the assessment. However, we recognise there would often be practical limitations and we propose the submission should be clear about which students' views are represented and any limitations in representation. This would help enable the assessors to gauge how much weight to place on the submission alongside the other evidence.

243. We propose the submission should aim to include apprenticeship students taught by the provider. It should not include any students taught by other providers through partnership arrangements, as those students' views would be captured through the relevant partner provider's student submission.

244. We consider the submission should focus primarily on the views of current students, although views from previous cohorts may also be included where available. This could be up to four years previously, to align with the timeframe for the provider submission.

245. Students would be encouraged to draw on evidence of student views that already exist through student representation processes, such as surveys, course representatives, committee discussions, student-led research, campaigns and other representation activity. Additional evidence-gathering activity could be undertaken where needed.

246. We propose that submissions should explain how evidence has been collected and how it supports the views presented. We would provide guidance to help students gather and present evidence effectively and efficiently.

247. We propose that student submissions should normally submitted in writing, with a maximum length of ten pages. This limit is the same as in the previous TEF, and we received feedback that this limit was appropriate. We also propose that students should have the option of submitting an audio recording accompanied by a transcript, instead of a written submission. This is to enable more students to participate and make submissions. However, we do not propose allowing a video format (as permitted in the last TEF), as we consider that this would be less comparable to a written submission than an audio recording with a transcript. To further support comparability across submissions, the same page limits would apply to written submissions and transcripts.

Submission process and timing

248. We propose broadly the same approach as in the previous TEF in terms of who would make the submission on behalf of students. The submission would be coordinated by a nominated student representative acting as the TEF student contact. We would normally expect this to be a student who has been elected to represent students on educational matters, such as a students' union officer. Where this is not possible, providers should identify another suitable student representative or use a student-led nomination or election process.

249. The student contact would be responsible for submitting the submission on behalf of the student body or, where students decide not to participate, an opt-out statement.

250. Each year, the providers selected for assessment would typically be informed of this in July, including whether they can apply for a TEF student experience rating. If they choose to apply for a TEF rating, they would be asked to nominate a TEF student contact by the end of August. We propose that student contacts would then be given until the end of January of the following year to make their submission. This would allow approximately five months between nomination and submission.

251. Previous feedback from TEF student contacts suggested that the timing of the TEF 2023 student submission (October to January) was challenging. We therefore propose to extend this window as far as possible, without unduly affecting the assessment process. A deadline later than January would mean the assessors would conduct a significant amount of assessment work prior to receiving student submissions which would risk reducing their impact.

252. This timeline would also mean that both the provider and the TEF student contacts would have around five months' notice before their submission deadline, with the timeline for student contacts running later.

253. We propose that providers should be required to share their final submission with student contacts, allowing them the opportunity to comment on it in the student submission.

Provider support for student submissions

254. Following stage one, we decided that providers will be expected to facilitate an independent student submission. We also said that in stage two we would consult on the expectations on providers and the implications where students do not make a submission.

255. We propose that providers would be required to offer all reasonable support to enable their students to make a submission, and this would be a requirement under condition B6. The proposed condition B6 is published alongside the draft guidance. Support could include, for example:

- ensuring students are aware of the opportunity to make a submission and understand the purpose of the process
- providing access to relevant information and data
- helping to arrange evidence-gathering activities
- providing practical, administrative or accessibility support
- providing financial support to cover costs directly related to preparing the submission
- giving frequent opportunities for students to engage with relevant staff.

256. Providers would be expected to ensure that communications about the submission are neutral and make clear that positive, negative and mixed experience are all equally valuable.

257. Responsibility for the content of the submission would remain with students. Providers would support students to understand the process for making a submission and to overcome any

practical or accessibility barriers to participation. However, providers must not influence, direct, review, edit, approve or incentivise the substance of any submission.

258. In particular, providers would not be allowed to draft submissions on behalf of students, suggest particular themes, viewpoints or wording for inclusion, encourage positive feedback or discourage criticism. Providers could offer financial support to cover costs of specific activities involved in preparing the submission, but not offer financial or other incentives linked to participation or the content of submissions.

259. To help student contacts with potential time pressures, we would expect providers to have early discussions with them about what support they would need and to put that support in place in a timely way.

260. Where students decide not to submit, they would be asked to provide an opt-out statement explaining the reasons for that decision. Depending on the reasons given, the decision not to participate may be treated neutrally, or may inform the assessment of the student engagement criterion.

261. Providers would be expected to support students to participate effectively in the process. We would therefore consider any evidence that students were unable to participate effectively because the provider had not provided adequate support, access to information, staff capacity, or other assistance that could reasonably have been expected. This may include situations where the provider does not identify a suitable TEF student contact, students do not submit but also do not opt out, or where the submission or opt-out statement indicates that support was inadequate or that the provider sought to influence the content of the submission.

262. Evidence that students were not adequately supported, or that the independence of the submission was not maintained may indicate weaknesses in the provider's arrangements for student engagement. Such evidence would be considered alongside other evidence, when assessing the student engagement criterion and may also be considered in any compliance judgement with the proposed revised condition B6.

263. The rationale for this approach is that the purpose of the student submission is to provide an independent student perspective on the quality of the student experience. While students should be free to decide whether to participate, providers should have effective arrangements in place that enable and encourage meaningful student representation and engagement. The student submission process provides an opportunity to demonstrate the effectiveness of those arrangements. Where students are unable to participate effectively because student engagement capacity or mechanisms are limited, support is inadequate or independence is not maintained, this may indicate weaknesses in the provider's wider approach to student engagement.

Further information on the student submission is set out in Part 5b of the draft guidance. Additionally, specific draft guidance for student submissions, published alongside the main draft guidance, sets out examples of stronger and weaker evidence, a submission template and checklist.

Question 10: Do you agree, partly agree or disagree with the proposed approach to student submissions, including:

10.a. the scope, content and format

10.b. the submission process

10.c. the support providers would be required to offer?

Please explain your reasons.

Proposal 11: Enhanced student experience assessments

Summary

Stage one decisions

- TEF assessments would normally be desk-based and use provider submissions, student submissions and published indicators.
- We will continue to use risk monitoring to identify providers where there may be concerns about quality.
- We will retain the ability to undertake targeted investigations where significant concerns arise, including visits.

What we are proposing now

- We propose how we would gather additional evidence, including through visits, as part of some providers' quality assessments. This would be where the initial risk assessment identifies areas in which additional evidence is required to assess the quality of students' experience.

Why we are proposing this

- This would provide stronger assurance about quality experienced by students, enable concerns to be assessed within the TEF and minimum requirements assessments themselves rather than through separate processes, and support a more integrated and efficient quality system.

Key points of this proposal

- Where we select a provider for an enhanced assessment (see Proposal 3), we would gather additional evidence and normally conduct a visit as part of its quality assessment.
- We would gather additional evidence relating to the risks identified in the initial risk assessment to decide whether potential concerns can be ruled out or substantiated.
- Additional evidence gathering would normally focus on one or more defined themes.
- We would inform providers of the identified risks, when we notify them of their quality assessment.
- The assessment team would conduct visits and gather additional evidence during the provider submission window, and providers would have the opportunity to respond in an annex to their submissions.
- Assessment teams would consider the additional evidence alongside all other evidence when reaching judgements.

- We would incorporate findings based on the additional evidence gathering into the assessment report rather than report separately.

Explanation

Purpose of enhanced assessments

264. Following stage one we explained why we had moved away from an approach in which every provider participating in the TEF would receive a visit as part of its assessment. We remain of the view that requiring assessment visits for all providers would not be proportionate. It would significantly increase the cost and burden of the system, lengthen assessment timescales and reduce the number of providers that could be assessed each year.

265. As we have developed the proposals, we consider it would be appropriate to gather additional evidence, including through visits, for some providers. This would be where we identify risks to quality (as described in Proposal 3).

266. We propose that enhanced assessments would gather additional information where the initial risk assessment identifies potential risks relating to the quality of the student experience and the available evidence may not provide sufficient assurance that a provider is delivering satisfactory quality. The purpose of the enhanced assessment would be to enable the assessment team to gather additional evidence to test the issues identified through the risk assessment. It would enable the team to either rule out concerns, or determine that quality is unsatisfactory, when considered alongside the NSS indicators and submissions. If concerns are ruled out, there would be no limit on the rating that could be awarded.

267. We consider that limiting visits and other additional evidence gathering within the quality system on the basis of risk provides a more proportionate balance between assurance, burden and cost than requiring routine visits to every provider. It would allow additional evidence to be gathered where necessary without introducing routine visits for all providers.

268. Quality investigations to assess specific concerns about meeting minimum quality requirements may also be conducted. Proposal 3 sets out how the initial risk assessment might lead to an investigation instead of a cyclical quality assessment. Proposal 21 explains the circumstances in which concerns identified through a quality assessment may lead to a more detailed investigation that might include further visits to the provider.

Timing, focus and method of enhanced evidence gathering

269. We propose that, when providers are notified that they have been selected for a quality assessment, we would also inform them if we will conduct an enhanced assessment. We would inform providers about:

    - the risks identified
    - the additional evidence required
    - whether a visit would be undertaken.

270. We propose that the provider would supply the additional information, and the assessment team would carry out visits, during the window for the provider submission. The additional information we require would be existing information held by the provider, such as data on

academic misconduct. We would normally give the provider three weeks to provide this information. Visits would most likely take place during October. This approach would, if necessary, give the provider an opportunity to respond to the assessment team's observations in its submission. It would also enable the assessment team to have available all the evidence to inform its assessment, before beginning its detailed assessment.

271. We considered whether it would be better to run the assessment visits after assessors have reviewed provider submissions. This could enable the assessment team to use the provider submission to focus their visit on a narrower range of questions. However, we do not propose this approach because it would be impractical for assessors to conduct the visits at the same time as carrying out large numbers of assessments. It would delay the determination of ratings which would not be in the student interest.

272. Enhanced assessments, including visits, would focus on gathering evidence about criteria related to the areas of risk identified through the initial risk assessment. We considered whether the visits should be individually tailored to every pattern of risk identified at each provider. However, we consider that a more structured approach would improve consistency, transparency and efficiency.

273. We therefore propose that enhanced assessments would normally focus on one or more defined themes:

    a. **Academic challenge and assessment rigour**: Where available information suggests that students may be reporting positive experiences or outcomes despite a risk that courses are insufficiently challenging or that assessment lacks sufficient rigour.

    b. **Capacity to deliver quality**: Where risk factors suggest that changes in provision may have created risks relating to staffing, learning resources, student support or course delivery.

    c. **Oversight of higher-risk provision**: Where risk factors suggest increased quality risks because of particular delivery models, partnership arrangements or other areas requiring stronger oversight.

274. Enhanced assessments would not normally explore more than two themes.

275. Where concerns appear broader, more numerous or potentially serious, systemic or widespread, a quality investigation is likely to provide a more appropriate mechanism rather than an enhanced assessment.

276. Enhanced assessments would normally include a visit to the provider. The visit would be conducted by the assessment team that will review all the evidence and make recommendations on the provider's assessment outcomes, as described in Proposal 16.

277. Depending on the circumstances, the enhanced assessment could also involve:

    - requests for additional information
    - requests for supporting evidence
    - review of samples of provision

- access to relevant systems or materials.

278. The information requested would depend on the risks identified. For example, this could include information relating to staffing, academic withdrawal rates, student attendance and engagement, student support, learning resources, assessment practices, academic misconduct, assessed work or other matters relevant to the identified risks. Following the visit, the assessment team might request further evidence or clarifications from the provider.

279. The focus of each visit would depend on the themes that the assessment team is exploring. Assessors would gather evidence relevant to the areas of risk and seek to establish whether potential concerns are substantiated or can be ruled out. For example, if exploring the theme of academic challenge and assessment rigour, the assessors may place greater emphasis on observing teaching activities, reviewing assessed work and assessment design.

280. A summary of the main observations from the visit would be shared with the provider to comment on factual accuracy, prior to the provider's submission deadline. If necessary, the provider would also be able to respond to those observations as an annex to its submission.

281. Evidence gathered through the additional information request and visit would then form part of the overall evidence base for the TEF or minimum requirements assessment and would be considered alongside all other evidence. The assessment report would explain how the additional evidence, including evidence from the visit, informed the assessment team's judgements.

282. A provider would be required to facilitate and cooperate with the visit and this would be a requirement of condition B6. We propose that failure to cooperate with the visit would likely result in a breach of the condition.

Enhanced assessment of providers with subcontractual partnerships

283. In Proposal 6 we set out that the students taught by a provider and those studying through subcontracted arrangements would be equally weighted in the provider's assessment. The provider's indicators and submission would include information about all these students as set out in Proposals 8, 9, 14 and 15.

284. Where we conduct a visit to a provider that also subcontracts delivery of teaching (the 'lead' provider), we would not normally visit delivery partners as part of a lead provider's visit. This is because it could duplicate assessment activity and would not be proportionate in all cases. Instead, where we identify risks related to a lead partner's subcontracted provision, we are likely to request additional information from the lead provider and take account of evidence from relevant assessments of delivery partners. We may also:

    - schedule its main delivery partner or partners for assessment in the same year
    - conduct an enhanced assessment and visit the delivery partner(s) as part of its own assessment, if risks are identified at the delivery partner(s)
    - provide the lead partner's assessment team with the notes of the visit to the delivery partner(s) to take into account when assessing the lead partner.

285. We recognise that subcontractual arrangements vary considerably in scale and nature. We would therefore normally take this approach only where a partnership covers a significant proportion of a provider's students.

286. Where we identify risks and conduct an enhanced assessment of a subcontractual delivery partner, we would not visit the lead provider as part of this assessment.

287. We do not propose to take this approach for validated-only provision. Under Proposal 6 we set out a different approach to assessing validated-only provision that relies solely on data and provider submissions.

Further information about the format of visits and how these would be conducted is set out in Part 5c of the draft guidance.

Question 11: Do you agree, partly agree or disagree with the proposed approach to enhanced assessments of the student experience, including:

11.a. the purpose of enhanced assessments

11.b. the timing, focus and method of evidence gathering

11.c. the arrangements for subcontractual partnerships?

Please explain your reasons.

Section 3: Student outcomes

Proposal 12: Minimum requirements for student outcomes

Summary

Stage one decisions

- Future TEF assessments will include consideration of whether a provider meets the minimum requirements for student outcomes set out in condition B3.
- We will revise and simplify the minimum requirements for student outcomes in condition B3.
- We will remove the progression indicator and its associated numerical thresholds from condition B3.
- We will review the minimum numerical thresholds for continuation and completion to ensure they remain appropriate and support our regulatory objectives.

What we are proposing now

- We propose to revise condition B3 to require providers to deliver positive post-study outcomes and positive outcomes for students undertaking modular study.
- We also propose to assess post-study outcomes using a basket of benchmarked indicators and contextual information rather than minimum numerical thresholds.
- We propose revisions to some minimum thresholds for continuation and completion.
- We would update Regulatory advice 20 to reflect these changes.

Why we are proposing this

- These proposals would create a single, coherent approach to assessing student outcomes, ensuring that post-study outcomes form part of the integrated quality system.
- They would also support the phased approach to regulating modular provision.

Key points of this proposal

- Condition B3 would include a new requirement for providers to deliver positive post-study outcomes for students.
- We would assess compliance with the post-study outcomes requirement through a basket of benchmarked post-study indicators and relevant contextual information, rather than minimum numerical thresholds for a single measure.

- Condition B3 would also include a new requirement for providers to deliver positive outcomes for students undertaking modular study. Until specific measures and thresholds are developed, we would use this requirement to identify and address serious concerns about outcomes for modular learners.

- We would revise minimum numerical thresholds for some continuation and completion indicators for part-time and apprenticeship provision.

- We would assess providers applying for registration for compliance with initial condition B3 according to an updated Regulatory advice 20, aligned to the approach used in TEF assessments.

Explanation

288. Following stage one, we decided to develop an integrated quality system. This includes:

    a. Integrating the assessment of whether providers satisfy the minimum requirements of condition B3 into the TEF assessment of student outcomes.

    b. Aligning the TEF ratings with the relevant B conditions, so that ratings will show whether or how far the provider exceeds the minimum requirements.

289. We also decided to simplify condition B3 by removing the progression indicator and associated numerical thresholds.

290. We have now developed proposals for how assessment of condition B3 would in practice be integrated into the TEF assessment of student outcomes. We are therefore proposing some further revisions to condition B3. These are intended to ensure an integrated and coherent approach to assessing student outcomes.

291. We also make proposals for revising some of the B3 thresholds for continuation and completion, which we are committed to reviewing, and propose to update Regulatory advice 20 to align it to the new approach.

Positive post-study outcomes

292. We are proposing a new requirement within condition B3 that providers deliver positive post-study outcomes for their students.

293. Following stage one, we decided to remove the progression indicator and its associated numerical thresholds from condition B3. We said that progression would continue to have an important role in the assessment of student outcomes, because positive outcomes beyond higher education are fundamentally important to students and are a key purpose of higher education. But we recognised the limitations of using a single post-study measure assessed against a minimum threshold to determine whether a provider was meeting minimum requirements, and recognised that the outcomes achieved by graduates are influenced by a range of factors.

294. As we have developed the detailed proposals, we have reflected further and have changed our approach. Rather than relying on a single progression measure and numerical thresholds, we now propose to assess post-study outcomes using a basket of benchmarked

measures covering progression to further study, use of skills and earnings, alongside relevant contextual evidence submitted by the provider.

295. We consider that this approach provides a broader and more reliable assessment of graduate outcomes than the previous progression measure. It would reduce reliance on any single indicator and allow assessors to consider different forms of positive post-study outcomes. By using benchmarked measures and contextual evidence, rather than minimum numerical thresholds, we would be able to take greater account of the factors that influence student success after their studies: for example, taking account of the region a graduate is employed would allow us to take account of differences in regional earnings.

296. We therefore consider that the concerns that led us to remove progression and the associated thresholds from condition B3 following stage one are substantially addressed by the approach now being proposed. We no longer propose that compliance with condition B3 should be determined through a single post-study measure or minimum numerical thresholds. Instead, we propose a broader assessment based on multiple indicators and contextual evidence.

297. Because of the importance of post-study outcomes for students, we consider that poor post-study outcomes should be capable of contributing to a rating of Requires improvement. We do not think it would be coherent for those outcomes to be capable of leading to a rating of Requires improvement while having no role in determining whether minimum requirements for student outcomes are being met. We therefore propose that condition B3 should include a requirement that providers deliver positive post-study outcomes.

298. Rather than a requirement to meet numerical thresholds for individual post-study indicators, condition B3 would include a broad requirement that providers deliver positive post-study outcomes, expressed in a similar way to other B conditions. Compliance would be assessed using the basket of benchmarked post-study indicators, together with any relevant contextual information provided by the provider.

299. The broad requirement to deliver positive post-study outcomes would apply to all modes and levels of study, including postgraduate study. We intend to review the applicability of the post-study indicators for postgraduate study outcomes before incorporating postgraduate study into the second cycle of assessments. We may consider variations to these measures to ensure they are fit for purpose, and expect to consult on the details of how we will assess postgraduate study before the second cycle.

300. Considering a basket of indicators would avoid overreliance on any one measure of post-study outcomes to determine non-compliance. Instead, assessors would consider the overall picture presented by the provider's post-study indicators and take account of relevant contextual evidence from the provider. If a provider has indicators for more than one of the post-study measures that are substantially below benchmark, represent a substantial proportion of their students, and are not justified by additional contextual information, this would normally lead assessors to conclude that the provider has not delivered positive post-study outcomes.

Further details are set out in Part 8.4 of the draft guidance.

301. We have considered whether it would be appropriate to set minimum thresholds for the post-study indicators. Our view is that benchmarked performance provides a better basis for judging post-study outcomes, because a wide range of factors influence these outcomes, especially subject of study, geographic employment factors and students' prior attainment. Using benchmarks allows us to take account of these factors in a systematic way and provides a better indication of the provider's contribution to students' post-study outcomes. The IFS report recommended using a measure based on difference from an institution-specific benchmark rather than difference from an absolute threshold, for the same reasons.[7]

302. We do not consider this proposal to be inconsistent with retaining minimum thresholds for continuation and completion. Continuation and completion measure whether students successfully progress through and complete their studies. They are measures of minimum student success during study and relate to outcomes that providers have more direct influence over. We therefore consider it reasonable to expect all providers to achieve at least a common minimum standard and to define that through numerical thresholds.

303. Post-study outcomes are measures of success beyond higher education and are influenced by a wider range of factors outside of the provider's control. While providers play an important role in preparing students for future success, we do not consider that sector-wide numerical thresholds would represent appropriate minimum expectations across all types of students, courses and providers. Instead, we consider the more relevant regulatory test is whether graduates are achieving outcomes that are reasonably consistent with what would be expected, given their characteristics and other factors. In our view, benchmarked performance provides a more appropriate basis for applying that test than common absolute thresholds.

304. We would though be interested in views about whether we should instead set minimum absolute thresholds for progression, use of skills and earnings.

305. We consider that this proposal substantially addresses the issues that led us to remove progression thresholds from condition B3 following stage one, while ensuring that post-study outcomes are given appropriate consideration and play an important role within the quality system. The basket of measures considered together provide a richer and more reliable picture of what students achieve after their studies than the single progression measure, and the use of benchmarks rather than absolute thresholds provides us with a better measure of the provider's contribution to those outcomes.

Positive outcomes for modular study

306. We also propose introducing a requirement within condition B3 relating to students undertaking modular study. This proposal reflects the growing importance of modular learning following the introduction of the LLE.

307. We consider that students studying on standalone modules should be able to expect positive outcomes in the same way as students studying full qualifications. At this stage, however, we do not have the data to construct student outcome measures for modular study and we need

[7] See Institute for Fiscal Studies, Using graduate earnings data in the regulation of higher education providers.

to understand patterns of participation before considering what thresholds might be appropriate.

308. We will be collecting data from 2027-28 to inform the development of a module completion measure and will consult separately on our approach. The exact date for the introduction of a module completion measure and minimum thresholds for potential inclusion in condition B3 will depend on data quality, but these are not likely to be in place until 2028-29 or 2029-30. A new modular completion measure would therefore not be included in TEF until the second cycle of assessments, starting in 2030-31. We will engage with the sector on whether there are other appropriate student outcome measures for modular study beyond completion (for example progression to other modules) for inclusion in the second cycle of TEF.

309. We think it is important that we can intervene if there is very poor performance and, until we have consulted on a completion measure for modular study, we are therefore proposing a broad requirement within condition B3 that providers deliver positive outcomes for students undertaking modular study. We would assess compliance on the basis of the available evidence about whether students successfully complete the modules they undertake.

310. In considering whether a provider is delivering positive outcomes for modular learners, we would take account of the provider's context and the characteristics of the provision. We propose that we would consider module completion in relation to the performance of other providers, and alongside the completion rates for students studying towards the parent qualification. We recognise that completion of individual modules may not always be directly comparable to completion of a full course, and would therefore not expect equivalent outcomes in every circumstance.

311. Our intention is not to intervene whenever completion rates for modular learners differ from those of students undertaking full qualifications. Rather, we intend the requirement to enable intervention where the evidence suggests that outcomes for modular learners are materially poor. For example, where a substantial proportion of students enrolling on modules consistently fail to complete them, and the provider cannot demonstrate a reasonable explanation, this may indicate that positive outcomes are not being delivered.

312. We would only expect to take compliance action in extreme circumstances and following engagement with a provider to understand any issues.

Revised thresholds for continuation and completion

313. We have reviewed the minimum numerical thresholds for continuation and completion in line with the published approach. We propose revisions to the following thresholds.

Further information about the detailed analysis and rationale for the changes are set out in Annex D.

Table 10: Proposed changes to numerical threshold used in condition B3

Indicator	Mode and level of study	Current threshold (%)	Proposed threshold (%)	Change (% points)
Continuation	Part-time first degree	55	60	+5
Continuation	Undergraduate apprenticeship	70	75	+ 5
Completion	Part-time first degree	40	60	+20
Completion	Part-time other postgraduate	60	65	+5
Completion	Part-time postgraduate research	60	65	+5
Completion	Undergraduate apprenticeship	55	70	+15
Completion	Postgraduate apprenticeship	80	75	-5

314. Our objective is to ensure that the thresholds remain fit for purpose and continue to support our regulatory objectives to provide effective protection for students, in light of changing patterns of provision and student behaviour.

Changes to Regulatory advice 20: Regulating student outcomes

315. We propose updating Regulatory advice 20: Regulating student outcomes to align with the future approach to assessing student outcomes.

316. Regulatory advice 20 would apply to providers applying for registration that are assessed against condition B3 (alongside initial conditions B7 and B8). It would also apply to registered providers in circumstances where a B3 assessment is required that does not form part of a scheduled assessment. This may be, for example, if our regulatory intelligence indicates concerns about outcomes in postgraduate provision that is not yet included in the scope of cyclical quality assessment.

317. Revisions to Regulatory advice 20 would aim to ensure the same approach applies to these providers as to create a more coherent framework for student outcomes regulation.

318. In particular, we would update the guidance relating to assessments of condition B3 to align with the approach in this consultation, including:

    a. Removing information relating to the selection and prioritisation of providers for a condition B3 assessment.

    b. Changing the timeframe for assessment from the preceding five years to four years.

    c. Updating the assessment approach and decision making to align with the approach set out as a result of this consultation, including to assessment of modular study.

    d. Recognising performance in line with benchmarks as relevant contextual information that would normally justify below-threshold continuation or completion outcomes.

    e. Setting out our approach to assessment of post-study outcomes using multiple benchmarked indicators, rather than minimum numerical thresholds or relying on a single indicator.

f. Updating Annex D and the list of contextual factors to align with definitions and guidance on relevant contextual evidence. This would mean including highly distinctive factors not captured by the indicators, demonstrable improvements in outcomes, and exceptional circumstances that have impacted student outcomes, as well as removing consideration of future action plans as contextual evidence.

Question 12: Do you agree, partly agree or disagree with the proposed revisions to minimum requirements for student outcomes, including:

12.a. the new requirement for positive post-study outcomes

12.b. the new requirement for modular completion outcomes

12.c. proposed changes to minimum numerical thresholds for continuation and completion

12.d. changes to Regulatory advice 20?

Please explain your reasons.

Proposal 13: Student outcomes criteria

Summary

Stage one decisions

- We will rate the student outcomes aspect based on benchmarked indicators of continuation and completion and an expanded set of post-study indicators, and taking additional context into account.
- We will integrate assessments of minimum requirements for student outcomes into future TEF assessments.
- The rating categories will align with minimum requirements for student outcomes, with Bronze for outcomes that meet minimum requirements, and Silver and Gold for outcomes that exceed the minimum requirements.
- We will award a provider a rating of Requires improvement if continuation or completion outcomes are below minimum requirements.
- Providers may submit contextual information to explain historical performance or demonstrate the impact of actions taken to improve outcomes.
- We also said we will consult in stage two about how to take account of absolute performance alongside benchmarked performance, when assessing student outcomes.

What we are proposing now

- We propose definitions and criteria for assessing student outcomes.
- We propose to assess student outcomes through three criteria: continuation, completion and post-study outcomes.
- We propose that higher ratings would require strong performance both during study and beyond study, and that judgements about continuation and completion should take account of both benchmarked and absolute performance.

Why we are proposing this

- The ratings definitions and criteria reflect the importance to students of succeeding beyond their time in education. Consideration of both benchmarked and absolute performance ensures the integration of condition B3 assessments into TEF assessments produces coherent outcomes.

Key points of this proposal

- Assessment outcomes would reflect student success both during study and beyond study, ensuring strength in one area cannot fully compensate for weaker performance in the other.
- A Requires improvement rating, or an Unsatisfactory outcome, would indicate unsatisfactory rates of student success either during or beyond their studies.
- A Bronze rating, or Satisfactory outcome, would indicate satisfactory rates of student success both during and beyond study.
- A Silver rating would indicate consistently high rates of student success, and Gold consistently outstanding rates of student success.
- Higher ratings would require consistently strong performance across the provider; weaknesses in significant areas of provision could limit the rating awarded.
- We would assess student outcomes against three criteria: rates of continuation, completion and positive post-study outcomes.
- We would form a judgement on each criterion, based on the available data indicators and relevant contextual evidence submitted by the provider.
- The criteria for continuation and completion would take account of absolute performance as well as performance relative to benchmarks.
- Continuation and completion rates at least five percentage points above the minimum threshold would normally indicate high rates, as would performance in line with the provider's benchmark.
- Continuation and completion rates of at least 95 per cent would normally indicate outstanding performance, as would performance materially above the provider's benchmark.
- For continuation and completion, providers could demonstrate high or outstanding performance through either strong benchmarked performance or strong absolute outcomes.
- The criterion for post-study outcomes would take account of benchmarked performance across three measures, placing more weight on the more positive measures, and not relying on any one measure to determine the judgement.
- An unsatisfactory judgement for post-study outcomes would normally require progression and at least one other post-study measure to be substantially below benchmark and not justified by context.

Explanation

Definitions of TEF ratings and minimum requirements outcomes

319. Table 11 proposes definitions for the student outcomes TEF rating categories. They reflect the decisions taken following stage one about the purpose and structure of the future TEF. In particular, the rating categories align with condition B3, with Bronze representing outcomes that meet minimum requirements, Silver representing high-quality outcomes, Gold representing outstanding outcomes, and Requires improvement indicating that outcomes are not meeting minimum requirements.

320. We consider the ratings should reflect both success during study and positive outcomes after study, because both matter to students when choosing and undertaking higher education. Students expect to be supported to continue and complete their studies successfully, and to gain value from their higher education through positive outcomes after graduation. We therefore consider that higher ratings should require strong performance in both areas, rather than allowing strong performance in one to compensate for weaker performance in the other. We also consider that weak outcomes in either area (study outcomes or post-study outcomes) should lead to a lower rating, even if outcomes in the other area are strong.

321. We also consider that we should only award higher ratings where strong outcomes are delivered consistently across a provider's provision and student population. While some variation may be expected, we consider the rating should be constrained by substantially weaker outcomes in subjects, modes of study or groups of students representing a significant proportion of the student population.

322. This reflects both the expectation that students should experience consistently strong outcomes and the role of TEF in driving improvement. By linking ratings to consistency, we aim to encourage providers to identify and improve weaker areas of provision and poorer outcomes for particular groups of students, rather than relying on stronger performance elsewhere within the provider to achieve a high rating.

323. Further detail about how we propose to take account of consistency in the assessment is set out in Proposal 17.

Table 11: Proposed rating definitions for student outcomes

Rating	Definition
Gold	There are consistently outstanding rates of student success both during and beyond study across the provider, taking account of student and course characteristics.
Silver	There are consistently high rates of student success both during and beyond study across the provider, taking account of student and course characteristics.
Bronze	There are satisfactory rates of student success both during and beyond study, across the provider taking account of student and course characteristics. (In some areas this may be higher, but not consistently enough for a higher rating.)

Rating	Definition
Requires improvement	There are unsatisfactory rates of student success during or beyond study, in one or more significant areas.

324. Where a provider is assessed for only minimum requirements for the student outcomes aspect, we propose that it receives one of the following outcomes, which align with Bronze and Requires improvement TEF ratings:

    - **Satisfactory:** There are satisfactory rates of student success both during and beyond study, across the provider taking account of student and course characteristics.
    - **Unsatisfactory:** There are unsatisfactory rates of student success during or beyond study, in one or more significant areas.

325. However, where a provider's student outcomes data is too limited or the indicators are not statistically reliable enough to support one of these two judgements, we would instead indicate that student outcomes were not assessed.

Student outcomes assessment criteria

326. We propose that judgements on each of three assessment criteria would underpin the assessment outcomes for each aspect. We propose these criteria would be continuation, completion and post-study outcomes, taking context into account.

327. We decided following stage one that we would use benchmarked indicators to assess student outcomes, and take account of minimum numerical thresholds for continuation and completion to assess whether providers meet minimum requirements. We also said we would consider further how to take account of absolute performance alongside benchmarked performance, when assessing student outcomes.

328. We are proposing a different approach to judging continuation and completion from that for post-study outcomes. This reflects the fact that continuation and completion are subject to minimum numerical thresholds under condition B3, whereas post-study outcomes would be assessed using a basket of benchmarked indicators and contextual evidence rather than minimum numerical thresholds. As a result, continuation and completion judgements would take account of both absolute and benchmarked performance, while post-study outcomes would be judged primarily through benchmarked performance.

Continuation and completion

329. As we have developed the detail of the approach, we now consider that assessment of continuation and completion should take account of both benchmarked performance and absolute performance, not just for considering whether minimum requirements are met.

330. As decided following stage one, continuation and completion rates that are below minimum thresholds and not justified by context would be considered unsatisfactory. We do not propose that rates below the provider's benchmarks would be considered unsatisfactory, as long as they meet the minimum requirements.

331. We recognise that some providers achieve continuation or completion outcomes that are substantially above the minimum requirements, even where those outcomes are below their benchmark. We therefore propose that we would judge continuation and completion outcomes to be high where, taking account of context, they are either:

    a. In line with the provider's benchmarks. This is because performance would be in line with similar students on similar courses elsewhere, in a sector that generally achieves high rates of successful student outcomes, which are above minimum expectations.

    b. Substantially above the minimum thresholds. This is because substantially exceeding minimum thresholds would indicate performance beyond the minimum requirements. We propose that continuation and completion rates that are at least five percentage points above the relevant minimum threshold, with at least strong statistical certainty, would normally indicate high rates of continuation or completion, even if a provider is below its benchmark. This would recognise strong student outcomes in absolute terms as well as performance relative to benchmark.

332. We also propose that continuation and completion outcomes would be judged to be outstanding where, taking account of context, they are either:

    a. Materially above the provider's benchmark. This is because performance would be materially better than for similar students on similar courses elsewhere, in a sector that generally achieves high rates of successful student outcomes.

    b. Very high in absolute terms. We propose to define very high absolute continuation or completion rates as at least 95 per cent, and consider these in themselves to be outstanding.

333. Previously in the TEF, if a provider had a very high benchmark value – such that it would have been difficult to exceed it – we treated performance in line with benchmark as outstanding. For consistency with the proposed approach to assessing high absolute rates of continuation and completion and to make the criteria simpler, we consider it appropriate to move to using very high absolute thresholds. Under this approach, outcomes above the very high thresholds would normally indicate outstanding performance, even where benchmarks have not been exceeded.

334. This approach to considering both absolute and benchmarked rates of continuation and completion allows these judgements to build on the minimum requirements of condition B3 and take full account of context. It recognises that benchmarks help assess how outcomes compare with those that might reasonably be expected given a provider's students and provision. Absolute measures help us recognise where outcomes are particularly weak or strong in their own right, and support the clear minimum standards that apply to continuation and completion. Together, they allow us to take into account both context and actual outcomes.

Post-study outcomes

335. As decided following stage one, we will use a basket of benchmarked post-study measures. This recognises that positive post-study outcomes can take different forms and that each measure has particular strengths and limitations. Considering the measures together

mitigates the risk that weaknesses in any one measure have an undue influence on the judgement. We therefore propose to base the post-study outcomes criterion on the overall pattern of performance across the available measures and across the provider's provision, taking account of relevant context. No single measure would determine the judgement in isolation.

336. Consistent with this rationale, in considering positive performance, greater weight would be placed on the highest-performing measure or measures. This would allow particularly strong performance on one measure or form of positive post-study outcome to support a high or outstanding judgement without requiring all measures to reach the same level. However, the criterion would also take account of the performance of the other measures, so that the strongest measure would need to be supported by the overall pattern of outcomes and not materially undermined by contrary evidence. An example of how this would work in practice is set out in Table 12.

Table 12: Example of post-study criteria in practice

Progression	Use of skills	Earnings	Overall interpretation of post-study measures	Rationale
Materially above benchmark	In line with benchmark	In line with benchmark	Outstanding post-study outcomes	Greatest weight is given to progression and this is not undermined by the other measures.
Materially above benchmark	Materially below benchmark	Substantially below benchmark and not justified by context	High post-study outcomes	More weight is given to progression but an interpretation of outstanding is undermined by the other measures.

337. This would recognise the diversity of positive post-study outcomes, while avoiding reliance on any one measure in isolation.

338. The consistency of performance across the provider's provision would also be important for higher ratings. A high or outstanding judgement would require the strongest performance to be consistent across provision, while allowing for some variation.

339. An unsatisfactory judgement would not be based on a single poor post-study measure. It would normally require multiple measures to be substantially below benchmark in one or more substantive areas of provision, and that performance not to be justified by context. We propose that one of the measures would normally need to be progression. We consider that only reaching an unsatisfactory judgement where there are poor rates of progression recognises the newness of the other two post-study measures and that providers have had longer-standing visibility of progression indicators and therefore greater opportunity to improve this outcome. Requiring another measure to also be substantially below benchmark

would mitigate the risk of relying on a single measure resulting in an unsatisfactory judgement, as the judgement would be supported by a wider pattern of post-study outcomes.

340. The post-study measures would all be benchmarked and we do not propose to introduce absolute thresholds for post-study outcomes. We explain in Proposal 12 why we are not proposing to set minimum thresholds for post-study outcomes. For the same reasons we would not use absolute thresholds to judge whether these outcomes are substantially above minimum requirements.

341. We have considered whether to set very high absolute thresholds for post-study outcomes as well as continuation and completion outcomes, which could indicate outstanding performance. We do not propose to do so. This is because continuation and completion are subject to established minimum requirements under condition B3, and the distributions of these measures mean that very high levels of performance are achievable and can be meaningfully distinguished in absolute terms. By contrast, analysis of post-study outcomes indicates these outcomes are less likely to reach comparably high absolute levels, and may be more affected by factors outside a provider's control. We therefore consider that benchmarked performance provides a more appropriate basis for distinguishing performance in this area.

We explain in detail in Part 8 of the draft guidance how assessors would interpret and weigh evidence to reach criterion judgements, and define what we mean by terms such as 'substantially below' and 'substantially above'.

Table 13: Proposed criteria for assessing student outcomes

Unsatisfactory	Satisfactory	High	Outstanding
1. Continuation			
In one or more substantive areas of provision, continuation rates are below the minimum thresholds and are not justified by context.	Across all substantive areas of provision, continuation rates at least either: • meet the minimum thresholds • are below the minimum thresholds and are justified by context. Continuation rates may be higher in some areas, but not consistently enough for a higher judgement.	Taking account of context, continuation rates are consistently either: • substantially above the minimum thresholds • broadly in line with the provider's benchmarks.	Taking account of context, continuation rates are consistently either: • very high in absolute terms • materially above the provider's benchmarks.

Unsatisfactory	Satisfactory	High	Outstanding
2. Completion			
In one or more substantive areas of provision, completion rates are below the minimum thresholds and are not justified by context.	Across all substantive areas of provision, completion rates at least either: • meet the minimum thresholds • are below the minimum thresholds and are justified by context. Completion rates may be higher in some areas, but not consistently enough for a higher judgement.	Taking account of context, completion rates are consistently either: • substantially above the minimum thresholds • broadly in line with the provider's benchmarks.	Taking account of context, completion rates are consistently either: • very high in absolute terms • materially above the provider's benchmarks.
3. Post-study outcomes			
In one or more substantive areas of provision, progression and at least another post-study measure are substantially below the provider's benchmarks and are not justified by context.	Taking account of context, and placing more weight on the more positive post-study measure or measures, outcomes are generally somewhat below the provider's benchmarks, or are broadly in line with them in some areas of provision. The more positive measures are not consistently high enough across provision for a higher judgement. Post-study outcomes for some measures or areas of provision may be substantially below benchmark, but not to an extent that an unsatisfactory judgement would be appropriate.	Taking account of context, and placing more weight on the more positive post-study measure or measures, outcomes are broadly in line with the provider's benchmarks. The more positive measure or measures are consistent across provision. Post-study outcomes for some measures or areas of provision may be lower, but not to an extent that that a lower judgement would be appropriate.	Taking account of context, and placing more weight on the more positive post-study measure or measures, outcomes are materially above the provider's benchmarks. The more positive measure or measures are consistent across provision. Post-study outcomes for some measures or areas of provision may be lower, but not to an extent that that a lower judgement would be appropriate.

Further detail on the interpretation of indicators, statistical confidence and assessment of post-study outcomes is set out in Part 4.8 and Part 8.4 of the draft guidance.

Question 13: Do you agree, partly agree or disagree with the proposal, including:

13.a. the definitions of the ratings and outcomes

13.b. the criteria for continuation and completion

13.c. the criterion for post-study outcomes?

Please explain your reasons.

Proposal 14: Student outcomes indicators

Summary

Stage one decisions

- We will measure and benchmark continuation and completion indicators in the same way as the 2023 TEF.
- We will introduce two additional post-study measures to supplement progression: use of skills and earnings.
- We will continue to embed equality of opportunity through the use of split indicators.
- Indicator data will continue to cover the four most recent years available for each measure.

What we are proposing now

- We propose definitions for the new post-study measures and the benchmarking factors that will apply to them.
- We also propose how we would structure and present the student outcomes indicators, including how we would show performance against benchmarks and the relevant continuation and completion thresholds.

Why we are proposing this

- For transparency, we are setting out how we propose to define and present the data indicators. The choices we have made in developing these proposals are informed by our policy intent and our data analysis.

Key points of this proposal

- The earnings measure would treat graduates as having a positive outcome if they earn above a specified threshold in any of the three years after graduation, or are studying for a higher education qualification three years after graduation.
- The use of skills measure would treat agreement to the Graduate Outcomes (GO) survey question about whether graduates are using what they learned during their studies as a positive outcome.
- We would benchmark the earnings and use of skills measures using broadly the same factors as the existing progression measure, to take account of student characteristics, subject of study and geographic factors.

- We would present student outcomes data in a combined view of taught and subcontracted-out provision, as well as separate views for taught, subcontracted-out and validated-only provision.

- We would present continuation and completion indicators by mode and level of study to reflect that minimum thresholds are set for each mode and level.

- We would also 'split' the indicators subject, course characteristics and student characteristics, including enhanced disability splits.

- We would present performance in relation to the provider's benchmarks, as well as absolute numerical thresholds for continuation and completion.

Explanation

342. As decided following stage one, we will use a basket of three post-study measures alongside continuation and completion to inform the assessment of student outcomes.

Additional post-study measures

343. We decided to use three post-study measures to avoid overreliance on any one of them. We decided to introduce two additional post-study measures to supplement progression: use of skills and earnings. We set out in this section a summary how we propose to define and benchmark them. Annex E includes further detail on the definitions and Part 4.9 of the draft guidance includes proposed benchmarking factors for the new measures.

344. The use of skills measure would use responses to the GO survey question 'I am utilising what I learnt during my studies in my current activity/study/work.' Responses of 'Agree' or 'Strongly agree' would count as positive outcomes, regardless of the activity the graduate was undertaking. We are proposing this as our analysis shows that across all the different main activities being carried out, there are graduates who say they are using their skills and graduates who say they are not.

345. We propose the earnings measure would treat graduates as having achieved a positive outcome where they either:

    - earn above a threshold based on average UK earnings for 25- to 29-year-olds (including graduates and non-graduates)

    - are studying for a higher education qualification, three years after graduation.

346. We propose to assess earnings using Longitudinal Education Outcomes (LEO) data. To recognise that graduates' earnings often develop over time, we would include only graduates who are in employment or higher education study three years after graduation. However, for those graduates we would use their highest recorded earnings from any of the first three years after graduation, rather than earnings in year three alone.

347. We consider this approach provides a fairer picture of graduate success. Some graduates have higher earnings in years one or two than in year three because of later changes in working patterns, career choices or personal circumstances. Using the highest earnings recorded across the three-year period helps reduce the impact of these factors and partly

mitigates limitations in the LEO data, which does not identify whether graduates work full-time or part-time. Our analysis suggests this approach particularly increases the number of female graduates who would be treated as having a positive outcome, compared with only considering earnings in year three.

348. We considered using earnings measured four or five years after graduation. The Institute for Fiscal Studies recommended considering the highest earnings between three and five years after graduation for regulatory purposes. However, we consider that a longer period would increase the lag between study and assessment. In our view, three years strikes a better balance between allowing graduates time to establish themselves in employment and ensuring the measure remains relevant to the provision currently being delivered.

349. We also considered including all graduates, regardless of whether they were in work or study three years after graduation. This would mean that graduates who are unemployed would count negatively within the measure. However, evidence suggests that many graduates who are not earning are engaged in other activities rather than seeking employment. We therefore do not think it would be appropriate to treat all non-earners as negative outcomes, and propose to restrict the measure to those who are in employment or higher education study three years after graduation.

350. We propose initially to restrict both the use of skills and earnings measures to UK-domiciled graduates in the same way as the existing progression measure. In the case of the earnings measure, this is because the LEO data is based on UK tax records, and in the case of the use of skills measure because of the lower levels of response from overseas students to the GO survey, which make it more difficult to draw reliable conclusions from the response data. For the progression and use of skills measures, we would keep this position under review and consider extending coverage if response rates to the GO survey from overseas students improve in future.

351. Indicators for both measures would be benchmarked to take account of broadly the same factors as the existing progression measure: subject of study, level of study, geography of employment (geography of earnings for the earnings measure), student entry qualifications, year of qualification, and a composite measure of students' socioeconomic characteristics (ABCS). A list of the proposed factors is available in Part 4.9 of the draft guidance and in our benchmarking analysis, published alongside the draft guidance. The analysis identifies these factors as having a material impact on use of skills and earnings, and supports using factors that are consistent with those used for the progression measure. We also consider there is value from a user perspective in taking a consistent approach where there is not a compelling reason to do otherwise.

Structure of the indicators

352. We would structure the student outcomes indicators and splits in the same way as the NSS indicators, as set out in Proposal 8, with one exception: we propose to change the level at which we present the continuation and completion indicators.

353. In Proposal 13 we explain why we consider continuation and completion outcomes should be assessed through both absolute and benchmarked performance. We have considered how best to construct and present these indicators to enable this. We currently set minimum absolute thresholds for each combination of mode and level of study, and we therefore

present the B3 continuation and completion indicators by mode and level of study. To enable the assessments to consider both absolute and benchmarked performance, we propose also to produce the overall benchmarked indicators for continuation and completion by each mode and level. This would make it more straightforward for providers and assessors to consider how each indicator performs against both absolute thresholds and the provider's benchmarks. For example, it would enable providers and assessors to identify where an indicator is below benchmark but substantially above the minimum threshold.

354. We would present the overall NSS and post-study indicators for all undergraduate students by mode of study, rather than by level and mode of study. This is consistent with our current approach to constructing the TEF indicators.

Further detail on the proposed structure and presentation of student outcomes indicators is available in Part 4 of the draft guidance.

Indicating performance

355. We propose to retain the broad approach used in TEF 2023 to indicating performance in relation to benchmarks. Performance materially above benchmark would indicate outstanding quality, performance broadly in line with benchmark would indicate high quality, and performance materially below benchmark would indicate performance below the level of high quality.

356. We have carried out analysis to identify whether we should make changes to how we define a material difference from benchmark, published in a separate document alongside the draft guidance. The findings do not suggest there is a strong reason to move away from our current approach and we would therefore continue to define a material difference from benchmark as 2.5 percentage points either above or below benchmark.

357. We are also not proposing any changes to the way in which we guide assessors to consider the statistical certainty of performance in relation to benchmarks. This is explained in the draft guidance.

358. As set out in Proposal 13, when assessing continuation and completion, we propose to consider performance against both benchmarks and absolute thresholds. For continuation and completion, we would show performance against benchmarks as well as against three absolute thresholds:

- the relevant minimum threshold
- the relevant minimum threshold plus five percentage points
- the very high threshold of 95 per cent.

359. We propose the same broad approach used in the TEF 2023 to considering the statistical certainty of performance, both in relation to benchmarks and absolute thresholds.

Question 14: Do you agree, partly agree or disagree with the proposals for the student outcomes indicators, including:

14.a. the definition and benchmarking of the additional post-study indicators

14.b. the structure of the indicators

14.c. how performance would be indicated?

Please explain your reasons.

Proposal 15: Provider submissions for student outcomes

Summary

Stage one decisions

- Providers may submit contextual information that relates directly to the indicators and is not already accounted for through benchmarking.
- Providers may submit evidence of actions taken to improve outcomes where the impact of those actions is demonstrable.

What we are proposing now

- We are proposing more detail about the types of contextual information that providers may submit for student outcomes assessments
- We propose the standards that evidence would need to meet, and the requirements for student outcomes submissions.

Why we are we proposing this

- This would support consistent, evidence-based assessments while ensuring providers can explain outcomes that are not fully reflected in the published indicators.

Key points of this proposal

- Where we identify indicators of concern, we would expect the provider to submit relevant contextual evidence about these indicators.
- Relevant contextual information would fall into three categories: highly distinctive factors not captured by the indicators, demonstrable improvements in outcomes, and exceptional circumstances that have impacted student outcomes.
- Assessors would consider contextual information about course closures, partnership changes or restructuring, where providers can demonstrate that these changes have improved outcomes.
- To demonstrate improvements, providers would need to show improvements in outcomes using the same measures and definitions as the published indicators.
- Where we identify indicators of concern, the provider would have a limit of ten pages to submit relevant contextual evidence.
- Providers applying for a TEF rating would have an additional ten pages to submit relevant contextual evidence that may support a higher rating.

- In their TEF submissions, we would expect providers to address material variation in outcomes across their provision where relevant.

Explanation

Identifying indicators of concern

360. As part of the initial risk assessment when we select providers for assessment each year, we would identify any student outcomes that constitute indicators of concern. We would notify providers of any indicators of concern at the start of the assessment and invite them to provide relevant contextual information as part of their assessment submission. We propose to allow ten pages for this.

361. We would normally select indicators where continuation or completion is below the relevant numerical threshold and is not justified by benchmarked performance, or where at least two post-study outcomes are substantially below benchmark.

362. We would normally focus on indicators or split indicators representing a substantial proportion of a provider's students, including indicators covering at least 20 per cent of the student population. However, we may also consider smaller groups where performance gives rise to particular concern, for example because outcomes are substantially below the relevant threshold, or because it relates to particular disadvantaged student groups (which we explain further in Proposal 17).

363. We propose to place greater weight on benchmarked performance when deciding whether below-threshold continuation or completion outcomes warrant further scrutiny. Where an indicator is below a numerical threshold but broadly in line with or above the benchmark, we would normally regard this as sufficient justification and would not normally seek further explanation from the provider. Before requesting additional contextual information, we may also consider relevant regulatory intelligence we already hold, including information obtained through previous assessments.

364. We consider this approach provides a transparent and proportionate way of integrating B3 assessments within cyclical quality assessments, by focusing additional scrutiny only on areas that are potentially of concern and where available evidence does not already provide a reasonable explanation.

Scope of submissions

365. If we have identified indicators of concern, we would expect the provider's submission to provide relevant contextual information to address them.

366. In line with the stage one decisions, providers applying for a TEF rating could use their discretion to identify any other indicators for which they wish to provide contextual information. However, the proposed assessment approach places emphasis on consistency of outcomes across provision and student groups, as set out in Proposals 13 and 17. We would therefore expect providers to consider whether there are material differences in outcomes across their provision, including by subject, mode, level, student group or partnership arrangement, and consider supplying any relevant contextual information in relation to weaker areas of performance, as these could have a limiting effect on the judgements.

367. Where the provider does not supply contextual information in relation to an indicator, the assessors would form a judgement based on the data alone, which itself takes account of context through benchmarking.

368. For subcontracted provision, lead providers should address outcomes in the same way as for directly taught provision. Because the lead provider has direct responsibility for the quality and outcomes of subcontractual provision, the fact that provision is delivered through a partner would not, by itself, explain weaker outcomes. We recognise that some providers have multiple subcontractual arrangements in place and that there may be differences in outcomes between different partners.

369. For validated-only provision, providers may include contextual information under a separate heading. As set out in Proposal 6, this information would contribute to a judgement about whether rates of student success for validated provision are satisfactory or unsatisfactory, but would not form part of the evidence used to determine a TEF rating.

Relevant contextual information

370. As decided following stage one, we will assess student outcomes on the basis of data indicators and additional context relating directly to those indicators, including actions that have led to demonstrable improvement. We propose to define relevant contextual information as:

- highly distinctive contextual factors not captured by the indicators
- demonstrable improvements in outcomes that are not yet fully reflected in the published indicators
- exceptional or unforeseen events that have had a material effect on student outcomes.

371. We expand on these definitions in paragraphs 373 to 383 and in the Part 6.3 of the draft guidance, where we also provide some examples of what we would and would not consider relevant contextual information.

372. We propose to apply these definitions of contextual information to all indicators used in our assessments, i.e. continuation, completion and post-study indicators. This is because our experience from previous assessments suggests that this provides an appropriate framework for identifying contextual information that could justify weaker student outcomes data. However, we recognise that our basket of post-study indicators introduces new measures that we have not previously considered in assessments. We would therefore welcome views on any additional contextual factors that we could take into account when assessing post-study indicators.

Highly distinctive factors not captured by the indicators

373. Following stage one we decided we would consider historical factors other than those already accounted for in benchmarking. We now propose to define this as highly distinctive contextual factors not captured by the indicators, which could include:

- highly distinctive student or course characteristics that are not adequately reflected in the benchmarking approach

- demonstrably positive outcomes that are not captured because of the way positive outcomes are defined in our measures.

374. We would expect the threshold for this type of evidence to be high. A wide range of delivery models are in place across the sector, and the existence of a distinctive mission, student population or course portfolio would not be sufficient on its own without clear supporting evidence. The provider would need to demonstrate that the factor is genuinely unusual, is not already reflected in benchmarking and has a material effect on the interpretation of the indicators. Explaining that a certain measure is not appropriate for the provider's students, without providing evidence that the relevant outcomes were in fact positive for its students, would not be sufficient.

Demonstrable improvements in outcomes

375. Following stage one we decided we would consider actions a provider has taken to improve outcomes, the impact of which is demonstrable. We propose to define this as demonstrable improvements in outcomes that are not yet fully reflected in the published indicators. We would only treat improvement as demonstrable where the provider can show measurable improvement in outcomes using the same definitions and methods used in the published indicators, and would consider the extent of any measurable improvement when reaching a view on a provider's rating for student outcomes.

376. We recognise that improvements within particular courses, subjects or student groups may sometimes be evident to providers but less visible in the published indicators that do not include year-by-year splits within each category. In these circumstances, providers could present more granular calculations of outcomes. These may be considered relevant where they relate to a significant proportion of students, and the improvement is material.

377. Where a provider can demonstrate that closing a course, ending a partnership or making another structural change has led to improved outcomes in the remaining provision, we would consider this as relevant contextual information. In considering it, we would take account of whether there is any ongoing risk to students. For example, we may seek to understand the reasons for course closure or partnership termination where a substantially similar course or partnership has subsequently been opened, including to ensure that such action has not been taken to avoid regulatory action.

378. We recognise that an additional year of student outcomes data will become available after submissions have been made, but before assessments are completed. We propose to take account of this where assessors' initial view points towards a Bronze or Requires improvement TEF rating, or an Unsatisfactory outcome, so that recent improvements are considered before such judgements are made. For efficiency, we do not propose to do this where our initial view points towards a Silver or Gold TEF rating or Satisfactory outcome. This is because we are not proposing that any negative consequences would flow from a Silver or Gold rating, so the risk of those providers being materially prejudiced by not including the additional year's data is reduced. For providers undergoing an assessment against only minimum requirements, Satisfactory would be the highest achievable outcome.

379. We think this approach strikes an appropriate balance between ensuring all relevant information is assessed for the providers where the impacts of the assessment are likely to

be greater, and ensuring that the overall assessment process in a particular year is not unduly delayed or extended.

380. Evidence of actions, interventions or improvement activity would not by itself demonstrate improvement. Providers would need to show that those actions have already resulted in better outcomes. Where improvements take longer to emerge in published data, they would be considered in future assessment cycles.

Exceptional circumstances

381. Providers may submit contextual information about exceptional or unforeseen events that have had a direct and material effect on student outcomes. The event should be genuinely exceptional, rather than one that affects the sector as whole, and should generally fall outside the provider's normal operating environment. It should also not already be accounted for in our benchmarking approach. We would not expect this category to cover challenges that arise as part of the normal operation of a higher education provider, such as managing relationships with staff and employment unions.

382. We would generally expect such events to be outside of the provider's control. Where there is a compelling case, we may also take account of exceptional circumstances that are not wholly outside the provider's control, but could not reasonably be foreseen or planned for.

383. Providers should explain the event, the students or provision it affected, and why it had a material impact on the outcomes shown in the data.

Standards of evidence

384. We propose to apply consistent standards when assessing contextual information. For any of the categories of contextual information, the provider would need to set out its calculations of outcomes using the appropriate definitions in our measures, and specify what has been calculated in a way that we can verify through our own analysis of the data. This approach means that a provider's internal measures using alternative definitions of positive outcomes or methods of calculation that differ from those in the published indicators would not be considered as relevant contextual information. We are proposing this to support consistency and robustness of assessments for all providers.

385. We may by exception request further information during an assessment where necessary. However, submissions should normally contain all evidence needed for assessors to reach a judgement. We would normally seek additional information only where assessors are considering a Bronze or Requires improvement rating or Unsatisfactory outcome, and require clarification on certain points contained in the provider submission or additional supporting information before reaching a judgement.

386. We think this approach is appropriate because we are not proposing that any negative consequences would flow from a Silver rating, so the risk of those providers being materially prejudiced by not being able to submit additional information is reduced. We considered whether it would be appropriate to seek additional information for providers where assessors are considering a Silver rating, but have balanced that against the risk that this would led to undue delay in the overall assessment cycle and have reached a view that this would not be an efficient approach.

387. Where providers reference or link to externally published information as part of their submission, we propose to apply the same approach to verification and use of such material as set out in the student experience section.

Page limits

388. Where we have informed a provider that we have identified indicators of concern, we propose that it would have up to ten pages to provide contextual information to address these indicators.

389. Providers applying for a TEF student outcomes rating would have an additional ten pages for their student outcomes submission. This would enable providers to submit relevant contextual evidence that could support a rating above the level of Bronze.

390. We consider this to represent an appropriate balance between giving providers sufficient scope to contextualise their indicator performance and ensuring assessments can be carried out efficiently, avoiding excessive burden on assessors.

391. We are interested in views on whether these proposed page limits are appropriate, including whether they provide sufficient flexibility for providers to present relevant evidence in a clear and proportionate way.

Further detail on relevant contextual evidence, evidence standards and worked examples is set out in Part 6 and Annex D of the draft guidance.

Question 15: Do you agree, partly agree or disagree with our proposed approach to provider submissions for the student outcomes aspect, including:

15.a. identifying indicators of concern

15.b. how we have defined relevant contextual evidence

15.c. the standards of evidence

15.d. scope and page limits for submissions?

Please explain your reasons.

Section 4: Assessments

Proposal 16: Assessment teams and decision making

Summary

Stage one decisions

- Academic assessors and student assessors will carry out assessments.
- Through an open recruitment process, we will appoint an evolving pool of TEF assessors that reflects the diversity of the higher education sector.
- OfS staff will manage the assessment process, and support and advise the TEF assessors, and we will consult further about OfS staff acting as assessors.
- Providers will be able to make representations about ratings only if the rating is provisionally Bronze or Requires improvement.

What we are proposing now

- We propose that assessments would be undertaken by assessment teams comprising academic assessors, student assessors and OfS staff.
- Assessment teams would make recommendations to a Quality Assessment and TEF panel, which would make the decisions on ratings and outcomes.
- We also propose how providers could make representations about provisional Bronze and Requires improvement ratings, and provisional Unsatisfactory outcomes before final decisions are made.

Why we are proposing this

- This would ensure an appropriate mix of independent and regulatory expertise informs the assessments, and that outcomes would be calibrated by a panel to ensure consistency.

Key points of this proposal

- All providers would be assessed by a small assessment team consisting of academic assessors, student assessors and an OfS staff member.
- A lead assessor from each team would present the team's recommendations to the Quality Assessment and TEF panel.

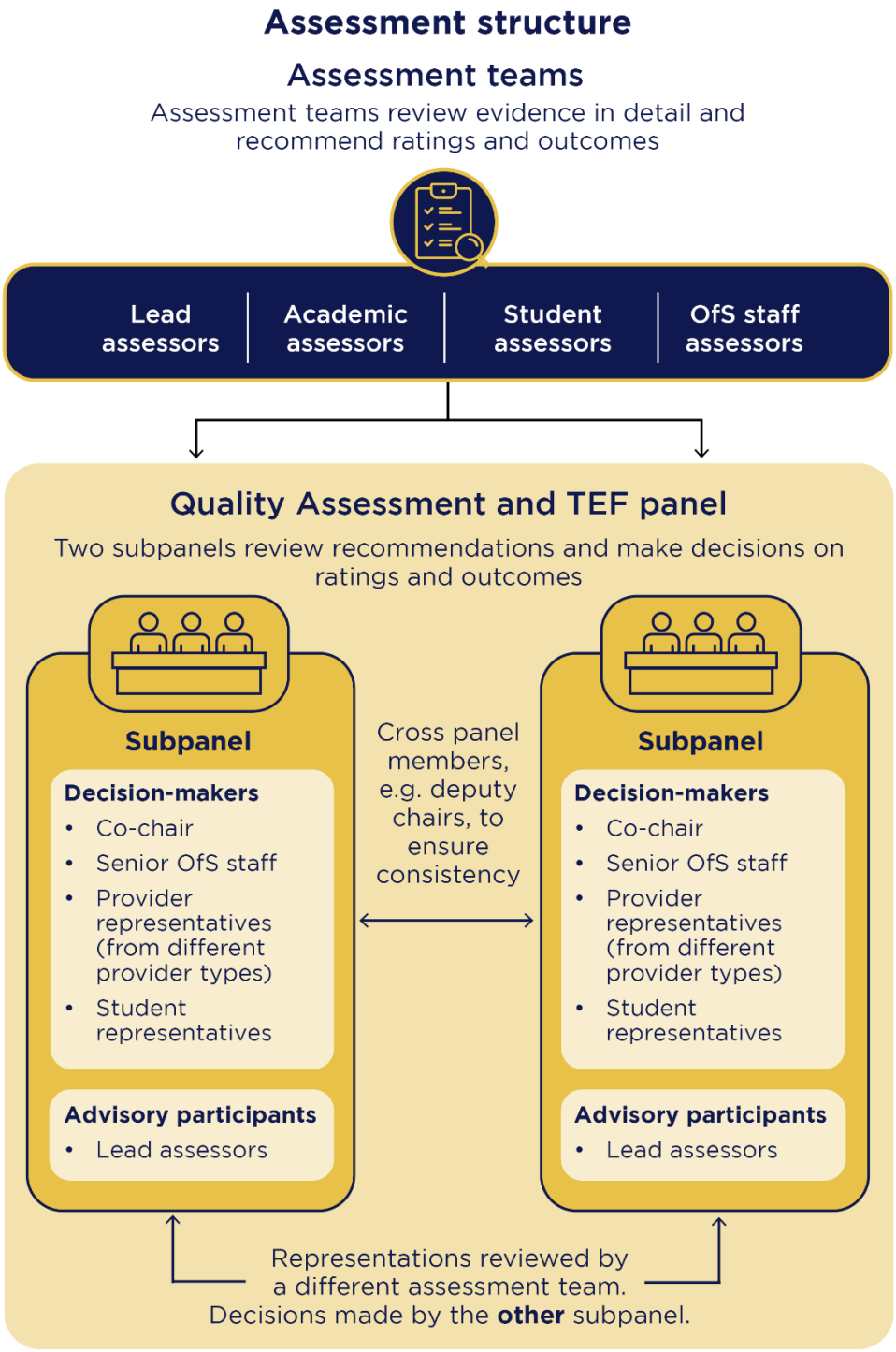
- The Quality Assessment and TEF panel would consist of two subpanels, which would consider assessment team recommendations, calibrate and make decisions about ratings and outcomes for half the providers.
- Each subpanel would comprise experts from different types of providers, student representatives and senior OfS staff, and would be chaired by a member of the OfS executive.
- Providers could make representations about Requires improvement and Bronze ratings or Unsatisfactory outcomes, where they identify a procedural irregularity or, for TEF ratings, where more recent NSS data shows a marked improvement in performance.
- Representations would be reviewed by a different assessment team who were not involved in the original assessment, and the final decision would be made by the other subpanel.

Explanation

Assessment teams

392. The structure of the assessment teams is illustrated in Figure 2.

Figure 2: Assessment structure



393. Following stage one we decided that assessments would be carried out by assessors with expertise in developing and delivering of higher education in diverse provider contexts, and experience of being and representing students. We also said we would consider further whether OfS staff should contribute as assessors. We now propose who would be involved in assessments and how recommendations and decisions about TEF ratings or minimum requirements outcomes would be made.

394. We propose that small assessment teams would conduct assessments. Assessment teams would review all the evidence in detail and make recommendations on the ratings and outcomes to a Quality Assessment and TEF panel that would decide the ratings and outcomes. We would seek to ensure that teams collectively possess expertise relevant to the nature, scale and characteristics of the providers being assessed. This may include experience of specialist provision, particular delivery models or relevant subject areas.

395. Each assessment team would comprise at least two academic assessors, at least one student assessor and an OfS staff member. This approach would bring together expertise in higher education delivery, student experience and regulatory requirements. Where practicable, assessment teams could include two student assessors, to strengthen the student-centred nature of assessments.

396. Student assessors would normally be current students or recent graduates with relevant experience of student representation or higher education quality improvement activities. Relevant experience may include institution-wide representative roles, membership of provider committees, course representative positions or comparable student engagement activities.

397. We propose that OfS staff would be full members of assessment teams and would contribute to all discussions and judgements. We consider there are several benefits of this proposal. OfS staff assessors would support consistency in the interpretation of indicators and assessment criteria, and understanding of diverse provider contexts. They would provide expertise in applying regulatory requirements and assessing whether providers meet these. We think this is important given that we are proposing to operate a single assessment framework, and the regulatory consequences linked to TEF ratings and minimum requirements outcomes. They could also draft the assessment reports on behalf of the assessment team, helping to limit other assessors' workloads.

398. Within each team one of the academic assessors would be the lead assessor. The lead assessor would lead the team to form an evidence-based recommendation. They would approve the assessment report drafted by the OfS staff member, and present their team's recommendations to the panel.

399. To support assessment across a diverse higher education sector, we have already decided to recruit a large and evolving pool of academic and student assessors through open recruitment. We consider that maintaining a larger assessor pool will provide flexibility in forming assessment teams, support the management of conflicts of interest and help ensure that appropriate expertise is available for each annual cohort of providers.

400. We would support assessors through training and calibration activities and would provide common guidance and procedures to support a consistent approach to the interpretation of indicators, evidence and assessment criteria.

401. We will aim to ensure representation from across the diversity of the higher education sector, including different provider types, modes of provision and educational contexts. We intend to recruit a broader range of student assessors compared with previous TEF assessments. To support this, we have considered suggestions made in response to our stage one

consultation and intend to work with representative bodies, mission groups and other provider networks to encourage applications from a broad range of candidates.

402. To encourage a diversity of applicants, we will seek to limit the workload expected of assessors, for example through OfS staff assessors drafting the reports on behalf of the team. We will also provide some flexibility in the caseload expected of individual assessors. We recognise the practical challenges that staff from smaller providers in particular may have in taking part as assessors. To help ensure representation from these institutions, we propose that as well as academic staff we may recruit assessors with experience gained in leadership, quality management and professional services roles that contribute directly to the student academic experience.

Decision making

403. A Quality Assessment and TEF panel would consider recommendations from assessment teams and make decisions on TEF ratings and minimum requirements outcomes. The panel would operate as two subpanels, which would each include academic members from a range of provider types, student representatives and senior OfS staff responsible for quality assessment delivery. Lead assessors from assessment teams would attend meetings to present and discuss recommendations, but would not be members of the panel responsible for the decisions. Members of the panel would be appointed separately from assessors, to ensure an appropriate breadth of expertise to support consistency and make decisions about the ratings and outcomes.

404. We consider that the use of a panel to decide ratings and outcomes would support calibration and help ensure consistency across assessments, particularly where cases are finely balanced. Panel members would operate within the same common framework of published criteria, guidance and procedures, supported by training and calibration activities. We consider that operating the panel through two subpanels would help ensure members have sufficient time to consider a large volume of recommendations, and would also enable representations about ratings and outcomes to be considered independently of the original assessment.

405. The panel would be established as a committee of the OfS with two co-chairs. Co-chairs would be members of the OfS executive, and would each chair a subpanel. This would help ensure that ratings, outcomes and associated restrictions and interventions align with our regulatory requirements and approach.

406. We have considered how to ensure consistency across the two subpanels in an efficient way. We propose to appoint two academic members as deputy chairs and they, along with some senior OfS staff members, would rotate between the subpanels to support calibration and consistency across the two subpanels.

407. We consider that the proposed structure establishes a clear distinction between assessment by teams of people with an appropriate mix of expertise, and decision making by a committee of the OfS. This would ensure that ratings and outcomes are informed by independent expertise while the final decisions and associated consequences remain our responsibility as regulator.

Representations on ratings and assessment outcomes

408. Following stage one we decided that providers would be able to make representations only about a provisional Bronze or Requires improvement rating for an aspect, before a final decision is reached. We now propose providers would also have an opportunity to make representations about an Unsatisfactory outcome and its associated regulatory consequences.

409. We propose that providers would have 28 days to submit these representations.

410. Representations would normally be given weight only where either:

    a. There has been a procedural irregularity in the application of the published guidance (for example, incorrect application of the criteria or material evidence submitted by the provider was not taken into account).

    b. More recent NSS data published after the provider's submission shows a marked improvement in specific areas judged to be lower quality.

411. We would not normally give weight to representations that try to strengthen the original submission with additional context or evidence, or revisit matters that have already been considered through the assessment process. Nor would we normally give weight to representations that introduce additional evidence that was available at the time of submission, challenge the exercise of expert judgement where published guidance has been followed, or question the design of the TEF. We consider that providing clarity on where representations would normally be given weight supports transparency, fairness and efficient decision making.

412. We have considered the implications of an additional year of data becoming available after the submission was made, but before the outcomes have been decided. We propose that, for consistency and efficient use of OfS resources, there is a standard timeframe in scope of the assessment. As set out in Proposals 8 and 12, this would be the four years immediately prior to submission. Any change in performance after the submission has been made would not normally be relevant to the assessment.

413. However, we recognise that a rating of Requires improvement or Bronze, or an Unsatisfactory outcome, could have significant impacts on a provider. We propose that where the latest data (published after the submission but before final outcomes are decided) shows a marked improvement, this should be taken into account before awarding one of these ratings or outcomes.

414. Data on student outcomes is typically available in the spring, during the assessment process. We propose that during the assessment, if assessors are minded to recommend a provisional rating of Requires improvement or Bronze, or an outcome of Unsatisfactory, for student outcomes, they would consider whether the latest year of data shows a marked improvement in student outcomes. If so, they would take this into account during the assessment. We do not therefore propose to give weight to representations that refer to improvements shown in the latest year of student outcomes data, because this will already have been taken into account.

415. The later year of NSS data is typically available in June and there would not, on our proposed timeline, be time for assessors to take this into account during the assessment. We therefore propose that if the provider receives a provisional student experience rating of Requires improvement or Bronze or outcome of Unsatisfactory, and the latest NSS data shows a marked improvement in the areas judged to be of lower quality, it could raise this in representations for consideration before the final rating is awarded.

416. Where we receive representations, they would be considered initially by assessors who were not part of the original assessment team. The mix of assessors would depend on the nature and scope of the representations made. They would make recommendations to the panel on whether the provisional rating should be changed, or the outcome, individual criterion judgements or both. If so, they would amend the assessment report accordingly. The subpanel that would consider the recommendations and make the final decisions would be the subpanel that did not make the provisional decision. We consider this approach ensures independent consideration of representations, while maintaining consistency through a common decision-making structure.

Question 16: Do you agree, partly agree or disagree with the proposed approach, including:

16.a. assessment teams

16.b. the decision-making panel

16.c. representations on outcomes?

Please explain your reasons.

Proposal 17: Assessment approach

Summary

Stage one decisions

- We will assess student experience on the basis of provider submissions, an expanded set of NSS-based indicators, and additional evidence from students.
- We will assess student outcomes on the basis of the continuation and completion indicators, and an expanded set of post-study indicators, taking additional context into account.
- We will embed equality of opportunity in assessments, by considering the extent to which the quality of the student experience and student outcomes are consistent for all groups of students.

What we are proposing now

- We propose how assessors would weigh evidence, reach judgements and determine aspect ratings or outcomes.
- We also propose how assessors would consider consistency across student groups, subjects and areas of provision when awarding ratings.

Why we are proposing this

- This approach is intended to ensure expert judgement can be applied within a framework that is evidence-based, transparent and consistent.

Key points of this proposal

- Assessors would reach and record a judgement for each criterion, weighing up relevant evidence.
- For providers not applying for TEF ratings, assessors would determine whether the evidence provides sufficient assurance that the relevant quality conditions are met and award a Satisfactory or Unsatisfactory outcome for each aspect.
- For TEF ratings, judgements about the criteria would take account of consistency across student groups, subjects and areas of provision.
- As an initial ‘rule of thumb’, at least 80 per cent of students experiencing a similar level of quality would be considered broadly consistent.
- Lower quality or outcomes for substantial areas of provision or groups of students would be likely to limit the judgement.

- The data dashboards would help to identify areas of provision or groups of students with lower quality or outcomes, that may potentially limit the judgement.
- Judgements about the student experience criteria would normally give half the weight to the NSS-based indicators and the other half to additional evidence of quality in the submissions.
- For providers undergoing an enhanced assessment, assessors would also consider the additional evidence, including the visit to the provider.
- Judgements about the student outcomes criteria would initially consider the indicators, and then consider relevant and compelling contextual evidence submitted by the provider.
- In reaching a judgement on the post-study criterion, assessors would consider all the available measures and normally place more weight on the most positive measure.
- Judgements about the rating for an aspect would consider the overall pattern of judgements across the criteria and consistency across student groups, subjects and areas of provision.
- A rating of Requires improvement or an outcome of Unsatisfactory would normally reflect one or more criteria being judged as unsatisfactory.

Explanation

Determining whether minimum quality requirements are met

417. Under our proposed quality assessment system, assessors would consider whether the available evidence provides sufficient assurance that the provider complies with the relevant quality conditions.

418. This assessment would be based on the available evidence as a whole, for each aspect. The assessment would draw on:

- published indicators
- provider submissions
- evidence gathered through enhanced assessments, where applicable
- other relevant evidence available to us.

419. Assessors would consider whether the evidence demonstrates compliance with:

- conditions B1, B2 and B4 for student experience
- condition B3 for student outcomes.

420. For student experience, assessors would consider whether the evidence provides assurance in relation to the six criteria set out in Proposal 7. These criteria have been developed so that

the level of quality defined as ‘satisfactory’ aligns with meeting the requirements of conditions B1, B2 and B4. The six criteria collectively cover consideration of the following:

a. For condition B1, whether students receive a satisfactory quality academic experience. This would include consideration of whether courses:

    i. Are up to date.

    ii. Provide educational challenge.

    iii. Are coherent.

    iv. Are effectively delivered.

    v. Require students to develop relevant skills.

b. For condition B2, whether students receive the resources, support and engagement necessary to succeed in and beyond higher education. This would include consideration of whether:

    i. Students have access to appropriate learning resources, including physical and digital learning resources.

    ii. Teaching is delivered by a sufficient number of appropriately qualified and experienced staff.

    iii. Students receive effective academic support throughout their studies.

    iv. Students receive effective careers support.

    v. There are effective arrangements for student engagement.

    vi. The provider identifies and responds appropriately to the needs of different cohorts of students.

    vii. The provider takes all reasonable steps to ensure students receive the resources, support and engagement necessary to succeed.

c. For condition B4, whether:

    i. Students are assessed effectively.

    ii. Assessments are valid and reliable.

    iii. Academic regulations are designed and operated to ensure awards are credible.

    iv. Arrangements for assessing technical proficiency in the English language are appropriate.

    v. Academic misconduct is appropriately managed.

    vi. Awards granted to students are credible and remain credible over time.

421. For condition B3, assessors would consider any student outcome indicators of concern that were identified in the initial risk assessment. This would include consideration of:

    - continuation
    - completion
    - post-study outcomes.

422. Assessors would consider whether relevant contextual evidence and any other relevant information available to them justifies these outcomes. The assessment and evidence would be the same as that described in Section 3 (Student outcomes).

423. Assessors would consider all relevant evidence for each aspect in the round and determine whether it provides sufficient assurance that the requirements of the relevant conditions are being met.

424. After reaching judgements about each of the criteria, assessors would determine an overall outcome for each aspect. Assessors would weigh up the judgements across the criteria, and the extent to which these reflect consistent quality or outcomes.

425. For student experience, we propose the individual criteria would be equally weighted.

426. For student outcomes, we propose an equal weighting between study outcomes (that is, continuation and completion) and post-study outcomes. This reflects the importance to students of succeeding in and beyond their studies.

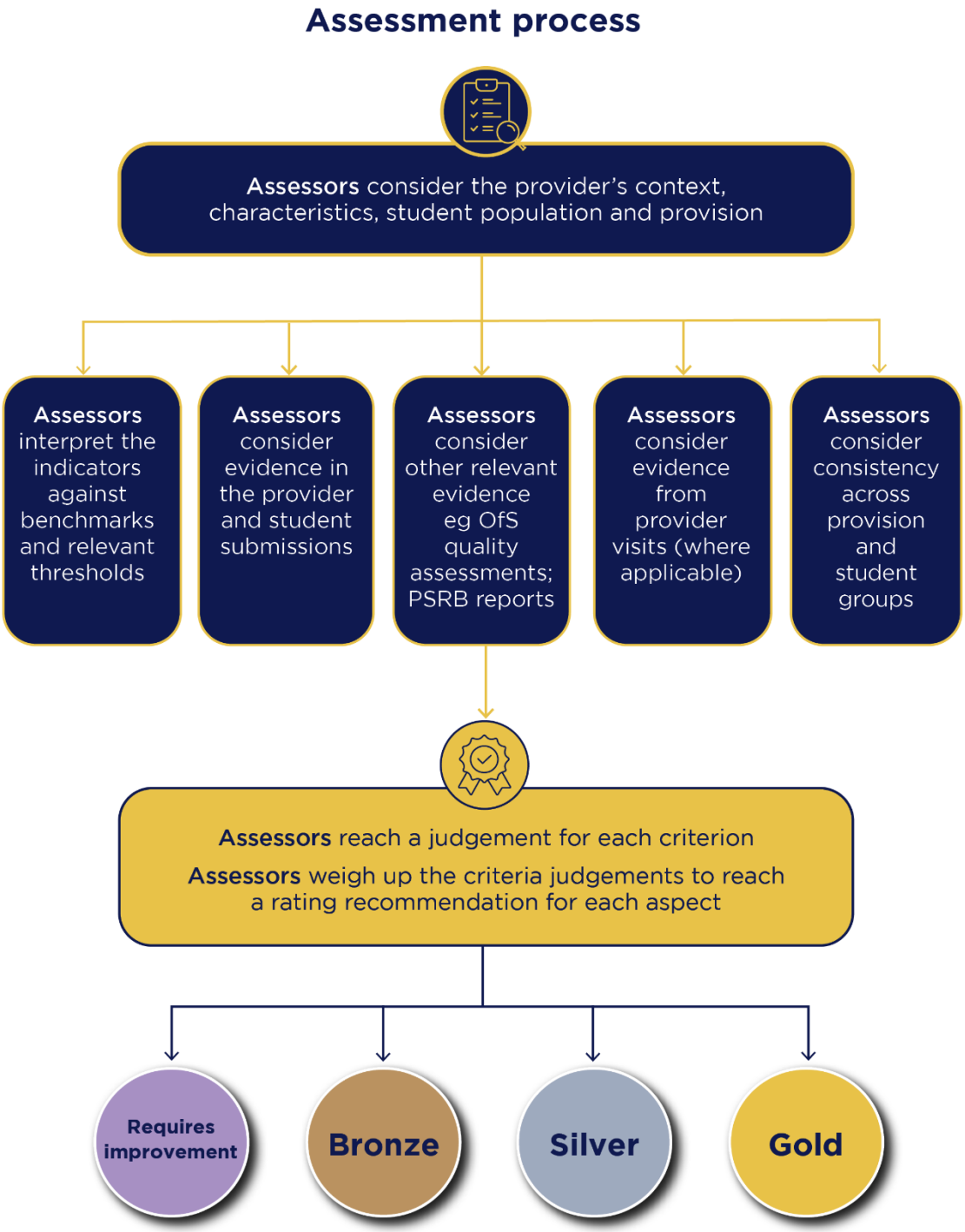
427. Where assessors judge the criteria to be satisfactory and the requirements in the conditions are therefore met, the outcome would be Satisfactory.

428. Where assessors judge one or more criteria to be unsatisfactory, the outcome for that aspect would be Unsatisfactory.

TEF assessments

429. Figure 3 explains the key elements of our proposed assessment approach to determine TEF ratings. We expand on this in Part 8 of the draft guidance to give respondents a detailed understanding of how this approach would be applied.

Figure 3: TEF assessment process



430. Assessors would begin by reviewing the 'size and shape' data and the provider's contextual statement, to understand the provider's broad context, including its characteristics, student population and mix of provision.

Judging the criteria

431. Assessors would then consider each aspect being rated, by considering the evidence in relation to each of the criteria for the aspect. We propose that to ensure a consistent approach to the assessment, and to provide transparency for providers and useful

information for students, assessors would reach and record a judgement for each criterion. They would judge each criterion as one of the following:

- outstanding
- high quality
- satisfactory
- unsatisfactory.

432. To judge each criterion, assessors would weigh up all the relevant evidence.

433. Assessors would initially interpret a provider's indicators against its individual benchmarks. For the continuation and completion indicators, they would also take account of absolute levels of performance, against relevant absolute thresholds. This interpretation would provide an initial indication of different levels of quality, against the relevant criteria. They would consider the extent of statistical uncertainty in the indicator data and give greater weight to stronger statistical evidence. Where statistical uncertainty means that an indicator could reasonably support more than one interpretation, they would take this into account when forming their judgement.

Judging the student experience criteria

434. For the student experience aspect, criterion judgements would reflect a triangulation of indicator evidence with evidence from the provider and student submissions, enhanced evidence gathering (if applicable) and other relevant evidence from OfS quality assessments or Ofsted assessments of apprenticeships. Assessors would normally give half the weight to the relevant NSS-based indicators, taking account of contextual information in the provider submission that may affect interpretation of the data, and the remainder of the weight to the other evidence. However, this would depend on the strength and relevance of the various sources of evidence.

435. For example, they would give less weight to:

    a. Information in a provider submission that describes an initiative without providing evidence of its impact on the student experience.

    b. Views stated in the student submission without indicating how those views were gathered from a range of students.

    c. An Ofsted assessment of apprenticeships carried out very early in the period being assessed, or where apprenticeship provision represents only a small proportion of a provider's overall provision.

436. For enhanced assessments where risks have been identified, assessors would normally conduct a visit to the provider and gather evidence focused on understanding potential concerns about particular criteria. Evidence gathered in the enhanced assessment would be likely to carry significant weight when judging those criteria.

437. Where evidence sources conflict, assessors would use expert judgement, giving greater weight to evidence that is more robust, representative or directly relevant to the criterion being considered.

438. Where no student submission is available, assessors would consider why the students decided not to make a submission. Where the decision not to participate is due to barriers that the provider could reasonably have addressed, such as a lack of support, access to information or capacity, assessors may consider this indicates a lack of effective student engagement, when reaching a judgement on the student engagement criterion. If the decision not to take part is for reasons unconnected to capacity or support, assessors would treat the lack of a student submission neutrally and would rely on the other available sources of evidence.

439. We consider this approach to weighting the sources of evidence for the student experience gives due weight to students' views about the quality of their experience, while avoiding overreliance on the NSS data alone. It recognises that the criteria for the student experience extend beyond the themes covered by the NSS and that providers themselves have a range of approaches to monitor and evaluate quality that generate evidence that would be relevant to the assessment.

Judging the student outcomes criteria

440. For the student outcomes criteria, assessors would form an initial judgement based on the available indicators, taking account of both benchmarked and, for continuation and completion, absolute performance.

441. They would then consider any relevant contextual information in the provider submission to determine whether the initial judgement should be adjusted, including in cases where there are indicators identified as being of concern. Where necessary, they may request further information or clarification about the contextual information or the effect of taking certain factors into account (for example, the effect of removing certain courses that are no longer running from the data). They may also request that OfS data specialists verify or calculate these effects.

442. We have considered whether the assessors should normally give greater weight to more recent years of data. We propose that they would consider any trends in performance over the four years of data, along with any supporting evidence in the submission, and whether these demonstrate evidence of either sustained improvement or a sustained decline in rates of student success in more recent years. Sustained improvement could result in a more positive judgement about an indicator and sustained decline in a less positive judgement. We intend this to ensure that judgements are fair and reflect the current student experience and outcomes as far as possible.

443. When judging the post-study criterion, assessors would take account of the basket of post-study measures, and relevant contextual information in the provider submission. As set out in Proposal 13, they would normally give greater weight to the most positive of the three post-study measures. We set out this approach in more detail in Part 8.4 of the draft guidance.

Consideration of consistency

444. In Proposals 7 and 13 we set out that higher ratings would require consistently high quality or outstanding quality, and that significant weaknesses in particular subjects, modes of study or groups of students would constrain the overall rating awarded. We propose that assessors should consider consistency when judging each criterion, as well as when determining the rating for the aspect.

445. Initially, when judging each criterion, the assessors would consider whether the indicators suggest that quality or outcomes are delivered consistently across students and provision, including study modes and subcontractual provision and the 'splits' for different student groups, subjects and courses types.

Proposed approach to consideration of consistency

We propose that assessors would use an indicative rule of thumb when considering whether quality or outcomes are broadly consistent across a provider. Normally, this would be at least 80 per cent of students experiencing a similar level of quality or outcomes. Where the data indicates that at least 20 per cent of students experience lower quality or poorer outcomes, and this is not adequately justified or addressed in the submission, this would be likely to limit the judgement reached.

TEF ratings apply at a provider rather than subject level and we consider that a Silver or Gold rating should indicate that students can reasonably expect high or outstanding quality across all provision, not only in its strongest areas. We consider that 20 per cent is a significant proportion of the student population and do not think a higher rating would normally be appropriate if that proportion of students experiences lower quality or outcomes.

At the same time, we recognise that there will be some variation across subjects, modes of study, partnerships and student groups. The proposed approach would allow providers to achieve a higher rating despite some weaker areas, provided these are limited in scale and do not fall below minimum quality requirements

We propose that 80 per cent would be appropriate, as this reflects a substantial majority of students experiencing a similar level of quality or outcomes, while ensuring that providers are held accountable for significant areas of weaker performance. We consider that if the percentage is too high this would not adequately recognise variation and would have the likely effect of preventing many providers from achieving higher ratings even when the large majority of their students may have an outstanding experience or outcomes.

Silver and Gold ratings are intended to indicate that high or outstanding quality is delivered consistently. We therefore think it is reasonable that providers should need to demonstrate that a large majority of their students experience that level of quality before such a rating can be awarded.

We also think a lower percentage would not sufficiently incentivise providers to ensure high quality across their range of provision or student groups, as they would be able to achieve a high rating despite lower quality or outcomes for substantial areas of provision or student groups.

We think that having an indicative rule of thumb would provide transparency for providers about how consistency would be considered, help them to identify areas to address in their submissions, and support consistency in judgements.

We would though be interested in views on whether a different percentage would be more appropriate.

We propose that initial rule of thumb would not be applied mechanically. Assessors would also consider the scale and nature of any variation, the level of performance concerned, and the provider's explanation.

Assessors would consider lower quality or outcomes for disadvantaged student groups that may be fewer than 20 per cent of students. This would include disabled students, students from the lowest Index of Multiple Deprivation quintiles and students entitled to free school meals (FSM). This is because the opportunities to succeed in higher education for these particular student groups may be impacted by a range of sector-wide risks, as set out in our Equality of Opportunity Risk Register. In addition, these groups often represent less than 20 per cent of a provider's total undergraduate population.

Assessors would consider whether lower quality or outcomes for any of these groups should limit the judgement reached. We are proposing this approach to ensure that the scheme incentivises improvement for all students and particularly those where sector-level performance is below the level of that for other groups. This reflects our commitment to equality of opportunity and recognises that some groups of students may face sector-wide risks to their success in higher education.

In addition, assessors may also pay attention to smaller areas of provision or student groups where the indicator is substantially below benchmark or the minimum threshold, and may raise a concern about meeting minimum quality requirements.

If this proposal is implemented, we would also propose that the data dashboards would highlight particular 'splits' that providers and assessors may pay particular attention to. We propose two types of highlighting, to recognise that the rule of thumb would not be applied rigidly:

- Highlighting all splits representing at least 20 per cent of students that are at a level of performance below the overall indicator. All of these would be considered in the assessment as potentially limiting the judgement.
- Secondarily highlighting splits representing at least 10 per cent of students, that are at a level of performance below the overall indicator. These would be considered in the assessment as potentially limiting the judgement if they relate to certain disadvantaged student groups, or if the level of performance indicates a potential concern about meeting minimum quality requirements.

446. Where the assessors find variable quality or outcomes across provision or student groups in relation to a particular criterion, they would state this alongside the overall judgement for the criterion. For example, 'Academic support is of high quality overall. In some subjects it is outstanding.'

447. In some instances, we anticipate there may be insufficient evidence to reach a single clear judgement on a criterion. We consider that the assessors should, where appropriate, have the option of making a mixed judgement where evidence supports this, or conclude that there is insufficient evidence to reach any judgement on a criterion. Mixed judgements would be taken into account alongside the overall pattern of criterion judgements and evidence when determining the aspect rating. Where there is insufficient evidence to reach a judgement on a criterion we would consider whether it would be appropriate to request further information from the provider, or to proceed with the assessment and determine the aspect rating based on the other criteria.

Rating the aspects

448. After reaching criterion judgements, assessors would determine an overall rating for each aspect being assessed. Assessors would weigh up the judgements across the criteria, and the extent to which these reflect consistent quality or outcomes. Assessors would make a judgement about which published rating descriptor provides the best fit.

449. For student experience, we propose the six criteria would be equally weighted.

450. For student outcomes, we propose an equal weighting between study outcomes (that is, continuation and completion) and post-study outcomes. This reflects the importance to students of succeeding in and beyond their studies. We consider it appropriate that a rating of Gold, for example, should require both study and post-study outcomes to be outstanding.

451. A rating of Requires improvement would reflect one or more substantial areas of unsatisfactory quality or outcomes. Assessors would consider how widespread or serious areas of unsatisfactory quality or outcomes are in deciding whether a rating of Requires improvement is appropriate. For example, they would normally reach a Requires improvement judgement for student outcomes where they had judged any one of the three student outcomes criteria as unsatisfactory. However, there may be cases where a provider could have one unsatisfactory student experience criterion judgement but assessors might consider the concerns not to be widespread or serious enough for a rating of Requires improvement.

452. This approach is intended to support transparent and consistent assessment while allowing assessors to use expert judgement to reflect the overall pattern of evidence and the experience of different groups of students.

Further detail on the assessment methodology including interpretation of indicators, weighting of evidence, consistency, criterion judgements and aspect ratings, is set out in Part 8 and Annex D of the draft guidance.

Question 17: Do you agree, partly agree or disagree with the proposed approach to assessment, including:

17.a interpreting and weighting evidence

17.b. reaching criterion judgements

17.c. determining aspect ratings

17.d. considering consistency?

Please explain your reasons.

Section 5: Outcomes, incentives and consequences

Proposal 18: Published outcomes and enhancement

Summary

Stage one decisions

- We will continue to publish TEF ratings and assessment outputs to inform students and support quality improvement.
- We will expect providers to publish their own TEF aspect ratings.
- We will continue to publish TEF 2023 ratings that remain valid alongside ratings from the future TEF, with clear explanation.
- Assessment reports will be shorter than those used in TEF 2023 and we will publish them in full, subject to normal publication considerations.
- All providers will have an opportunity to comment on the factual accuracy of assessment reports before publication.

What we are proposing now

- We propose to publish assessment outcomes and ratings through standardised formats and channels, supported by published assessment reports explaining how outcomes and ratings were reached.
- We also propose how providers would be required to publish their own ratings or outcomes.
- We are inviting views about whether there is value in visiting a sample of high-quality providers and to publish case studies from these to support enhancement across the sector.

Why we are proposing this

- Students need clear, accessible and comparable information about quality, providers need transparent and consistent arrangements for publishing and communicating their outcomes, and additional published information would support quality enhancement.

Key points of this proposal

- We would present future TEF aspect ratings through a standardised format that clearly shows when the award was made and if an aspect has not been assessed.
- Providers assessed only against minimum requirements would receive a published outcome of either Satisfactory or Unsatisfactory for each aspect, together with a published assessment report.
- Outcomes would be published through multiple channels, including OfS, Discover Uni, UCAS and provider websites.
- Outcomes would normally be published in two annual batches to avoid unnecessary delays.
- We would require providers to publish their assessment ratings or outcomes on relevant course webpages.
- Published assessment reports would provide additional information about how we reached ratings and outcomes, including a 'scorecard' of criteria judgements and recommendations identifying areas for improvement.
- We will also consider conducting a small number of visits to Silver and Gold-rated providers to produce good practice insights for the sector.

Explanation

Publication of TEF ratings

453. We want TEF ratings and outcomes to provide students with clear and useful information about the quality of provision delivered by different providers. We intend to make TEF ratings and minimum requirements assessment outcomes available through a range of channels, including the OfS website, Discover Uni and UCAS services. This will maximise the accessibility and visibility of the TEF ratings and outcomes for students making decisions about higher education.

454. We carried out research with prospective students. The findings indicate that they value simple presentations of ratings, clear explanations of what ratings mean and further information about how ratings have been determined.[8] We also tested options for how to neutrally present the absence of a rating. However, under the proposals we are now making, all providers would normally have a TEF rating or minimum requirements assessment outcomes for both aspects.

455. We intend to develop standardised logos for presenting future TEF ratings, for use across all the communication channels. Examples of the information we intend to include in the logos are below, for illustrative purposes. The examples show the key content we would include in the logos, though we expect to carry out further work on the visual design. We would state within the logos for the first cycle that the ratings relate to undergraduate provision, with the

[8] See Applicants' use of TEF information - Office for Students.

intention that from the second cycle some providers would also have separate postgraduate ratings.

Figure 4: Logo example for a provider awarded ratings in 2028



456. Where a provider does not have a TEF rating or minimum requirements outcome for an aspect, we propose to make this explicit in the published presentation of outcomes. Our view, informed by the student research, is that clearly stating that the aspect was not assessed is preferable to making no reference to that aspect, which could otherwise be interpreted negatively.

457. Because some assessments may take longer to finalise than others, particularly where providers make representations on provisional ratings (that is, a provider asks us to review a provisional rating or outcome before it is finalised), outcomes would normally be published in two batches each year. This is likely to be in September and January. We consider this preferable to delaying publication until every provider in a cohort has completed the assessment process, as earlier publication allows students to access information sooner and enables providers to benefit from any positive outcomes without unnecessary delay.

458. We decided, following stage one, that we will continue to publish TEF 2023 ratings that remain valid alongside ratings from the new scheme, with clear labelling and explanation. We will do this through a single published record of TEF 2023 ratings that remain valid alongside new outcomes, and through publication on Discover Uni and UCAS services. When providers receive ratings and outcomes under the future system, those outcomes will replace their TEF 2023 outcomes where relevant. We will support this approach with clear labelling, explanations and distinct branding to help users understand the differences between the previous and the new TEF, and minimum requirements outcomes.

Publication of minimum requirements outcomes

459. For providers that do **not** apply for TEF ratings, we propose we would publish:

- The outcome of the assessment for student experience (conditions B1, B2 and B4) and student outcomes (condition B3). These outcomes would be Satisfactory or Unsatisfactory.
- The year of the assessment.

- The assessment report.
- Any relevant regulatory action.

460. We propose that providers assessed only against minimum requirements would have a different published presentation from TEF-rated providers.

Publication of outcomes by providers

461. We have considered what our expectations should be on providers in terms of publishing their own TEF ratings or minimum requirements assessment outcomes. We propose to require providers to publish their future TEF ratings or minimum requirements assessment outcomes in a consistent way. We consider that such requirements would further improve the visibility and consistency of quality information and would support informed student choices.

462. The publication requirements would be established through revised ongoing conditions of registration.

463. If we change or remove a provider's TEF rating or outcome, the provider would be required to remove publication of the superseded or withdrawn rating or outcome and, where applicable, publish the new one.

464. We propose that to ensure accurate and consistent information for students, providers would be required to:

    a. Publish their future TEF aspect ratings, using the standardised logos, on relevant course webpages within scope of the assessment and that are taught directly by the provider. For the first cycle this would normally be on all pages relevant to undergraduate level courses that are taught directly by the provider.

    b. Publish ratings in a timely manner.

    c. Publish the ratings for both aspects.

    d. Always publish the ratings alongside any other information from the assessment report that a provider may choose to publish.

    e. Avoid implying the ratings cover provision that was not in scope of the assessment.

    f. Include links to the relevant OfS TEF outcome page.

465. Although subcontracted-out courses are also within the scope of the assessment, we consider that students would be more interested in the ratings of the provider that teaches these courses. We therefore would not require providers to publish their TEF ratings on webpages for courses that they subcontract out.

466. Similarly, a provider (a 'delivery partner') that teaches courses through a subcontractual arrangement would display its own rating, but not that of the 'lead provider' that subcontracts out the teaching.

467. Where a provider continues to hold a valid TEF 2023 rating, the TEF 2023 guidance regarding publication would continue to apply. Publication of these ratings would therefore

continue to be optional for the provider. We have considered the impact of this on the visibility and consistency of student information during the transitional period. Because we are prioritising the early assessment of all providers holding a TEF 2023 Bronze or Requires improvement aspect rating, after the first year of the future system, only Silver and Gold TEF 2023 ratings will continue to be valid. We think these providers are more likely to choose to publish their ratings, mitigating a potential negative impact on student information.

TEF assessment reports

468. Following stage one, we decided that we will publish TEF assessment reports in full, subject to normal publication considerations. We now propose further detail about the content of the reports, with the intention of serving multiple audiences including students, providers and other stakeholders. We propose to publish an assessment report for each provider that provides a clear summary of judgements, a more detailed explanation of the assessment findings and reasons for the ratings awarded, and recommendations for improvement where applicable. Reports would follow a standard template.

469. In terms of the summary, each report would include a ‘scorecard’ of judgements against the assessment criteria to help students understand the assessment outcomes. For example, it would state whether ‘Course content’ is outstanding or of high quality, satisfactory or unsatisfactory. This may also include summary information about the consistency of quality or outcomes across different groups of students or areas of provision where that variation was material to the assessment outcome. For example, the ‘scorecard’ might indicate that ‘Course quality’ is satisfactory overall and of high quality for some areas of provision.

470. The scorecard would aim to provide a clearer picture of what has informed the ratings and offer more detail about a provider’s strengths and areas for improvement than could be conveyed through a rating alone. We intend the scorecard to be useful, clear and relevant to a student audience in particular. We intend to undertake user testing with students to inform the content, design and presentation of the scorecard. Through user testing we would consider whether to include:

    - a summary of the provider’s published TEF data alongside the scorecard (This is because previous research with students has indicated students would be interested in succinct, clear data to help understand the ratings, but that the published dashboards are too complex for this audience.)

    - the judgement about validated-only provision in the summary, where applicable.

    - include in the summary, the restrictions associated with lower TEF ratings, such as student recruitment limits.

471. While we would develop the scorecard through user testing, we are also interested in views about this approach and how to make the information as useful as possible to students.

472. Further detail in the report would explain how the assessment team reached its judgements. This would include the interpretation of indicator evidence, consideration of provider and student submissions and any evidence gathered in an enhanced assessment, and the way in which variations between student groups or areas of provision were taken into account. The

aim is to provide sufficient information for providers to understand the rationale for the outcomes and identify areas of strength and improvement.

473. We are also considering including recommendations for improvement within assessment reports. These recommendations would identify areas where students, or particular groups of students, would benefit from improvements. However, it would not prescribe how providers should address them. Recommendations could be included for providers at any rating level, although they may be most relevant where ratings are lower. Where recommendations are made about improvement for disadvantaged student groups, we would expect them to be addressed in a provider's next access and participation plan.

474. Assessment reports would also include any related restrictions that follow as a result of a provider's TEF ratings.

475. Where a provider's TEF outcome changes following a quality investigation or other regulatory activity, we would not amend the original assessment report but would publish supplementary information alongside the report to explain the revised outcome. We would ensure that any such supplementary information is presented clearly and prominently so that students and other users are able to understand the provider's current position. We consider that published information should reflect the provider's current position and that retaining the report without supplementary information may be misleading, particularly for students. We discuss the circumstances that could lead to changes to TEF ratings in more detail under Proposal 21.

476. Following the decisions taken in stage one, and subject to further decisions about the stage two proposals, we would make consequential revisions to Regulatory advice 21: Publication of information so that it reflects the information we would publish arising from the future quality system. This would include updating information about what we would normally publish in relation to provider participation, ratings and outcomes, assessment reports and associated publications.

Comments on TEF materials for publication

477. We decided following stage one that providers would have the opportunity to comment on the factual accuracy of their assessment report before publication. We now propose that before publication, the provider would also receive its provider and student submission (if applicable) that we intend to publish. The provider would be able to comment on factual inaccuracies and identify information that should not normally be published, such as confidential, commercially sensitive or personally identifiable information.

478. Providers would normally have 14 days to provide comments. We would consider whether factual corrections or redactions are appropriate before publication and would make publication decisions in accordance with its published approach.

Minimum requirement outcome reports

479. We propose that assessment reports for minimum requirements outcomes would focus on findings against the relevant criteria and explain the reasons for the outcomes reached. The approach would be similar to TEF assessment reports but with judgements on each of the criteria and the overall aspects limited to Satisfactory or Unsatisfactory.

480. Providers would have the opportunity to comment on the factual accuracy of their assessment report before publication. Providers would normally have 14 days to provide comments. We would consider whether factual corrections or redactions are appropriate before publication and would make publication decisions in accordance with our published approach.

Supporting enhancement

481. Alongside publication of TEF ratings and assessment reports and data indicators, we will work with providers, students and other stakeholders to support enhancement and continuous improvement. This may include producing thematic reports, case studies and other activities that help providers learn from TEF findings and from each other.

482. In our stage one consultation outcomes, we said that we would consult in stage two on sample-based visits, which could potentially provide assurance about the operation of the quality system and support enhancement activity across the sector.

483. We propose a programme of up to ten sample-based visits per year. These visits would not form part of the TEF assessment of providers and would focus on high-quality provision experienced by students.

484. Rather than revisiting all the findings of the TEF assessment, we expect that these visits would seek to identify good practice in relation to certain criteria or areas of provision. We expect that we would publish examples of practices contributing to high quality to recognise best practice and to support quality enhancement across the sector.

485. These visits would also seek to understand the efficacy of the TEF assessment process in recognising areas of high quality experienced by students. We would use this information to improve the TEF process.

486. We anticipate that we would work with the sector to develop the details of sample-based visits.

Further detail on publication requirements, branding expectations and assessment reports is set out in Part 9 of the draft guidance.

Question 18: Do you agree, partly agree or disagree with the proposed approach to outcomes and enhancement, including:

18.a. publication of minimum requirement outcomes

18.b. publication of outcomes for TEF

18.c. the requirements on providers to publish their outcomes

18.d. the content and publication of assessment reports

18.e. the approach to sample-based visits and quality enhancement?

Please explain your reasons.

Proposal 19: Student recruitment limits

Summary

Stage one decisions

- We will strengthen incentives and interventions linked to TEF ratings so we can encourage quality improvement and respond proportionately to risk.
- Student recruitment limits will apply to providers with a Requires improvement rating, and we will consult further on links between Bronze ratings and student recruitment limits in stage two of the consultation.

What we are proposing now

- We propose to introduce student recruitment limits as a consequence of certain outcomes under the future quality system.
- The limits would differ according to the assessment outcome and would be linked to either quality ratings awarded through TEF or minimum requirements assessment outcomes.

Why we are proposing this

- The future quality system should have a transparent and consistent approach to implementing its strengthened incentives and restrictions.

Key points of this proposal

- We would phase the implementation of student recruitment limits, and there would be different limits for providers with Requires improvement and Bronze ratings, and the equivalent outcomes from assessments of minimum requirements.
- Providers with a Requires improvement TEF rating, or an Unsatisfactory outcome through an assessment of minimum requirements would be required to reduce student recruitment by 10 per cent each year until their next assessment.
- These recruitment reductions would apply from the first cycle of assessments.
- Providers awarded Bronze ratings in all, or their only assessed aspect, or a Satisfactory outcome, would normally be prevented from increasing student recruitment.
- Recruitment limits associated with certain Bronze ratings and Satisfactory outcomes would not take effect until the second cycle of assessments from 2030-31 onwards.
- Providers with mixed aspect ratings of Bronze and either Silver or Gold would not normally be subject to student recruitment limits.

- We propose to implement the recruitment limits associated with TEF ratings through condition B6.

- We are also seeking views on an alternative approach under which recruitment limits for providers with Bronze ratings would be applied on a case-by-case basis through a specific ongoing condition of registration.

Explanation

487. Following stage one, we decided we will limit growth in student numbers at providers with a Requires improvement aspect rating, and we said we would consider further how student recruitment limits should apply to Bronze ratings. We have considered the approach to recruitment limits further and now propose a revised approach for providers that apply for TEF ratings. This would differentiate more between Requires improvement and Bronze ratings.

488. Throughout this proposal, references to Bronze, Silver, Gold and Requires improvement ratings relate to TEF assessments, while references to Satisfactory and Unsatisfactory outcomes relate to assessments of only the minimum requirements. The proposed student recruitment limits would apply across both parts of the quality system, using equivalent consequences for equivalent levels of performance.

489. In developing our proposals, we have been guided by two principles:

    - where quality is unsatisfactory, future students should be protected from exposure to that provision while improvements are made

    - where provision meets minimum requirements but has not demonstrated high quality, providers should normally demonstrate improvement before being able to expand.

490. We have therefore developed a more differentiated approach that reflects the different levels of risk associated with Requires improvement and Bronze ratings in the TEF and with the equivalent outcomes of Unsatisfactory and Satisfactory from minimum requirements assessments.

491. The key distinction between the nature of the student recruitment limits is that Requires improvement ratings or Unsatisfactory outcomes would require providers to **reduce** their level of recruitment from the first cycle. Bronze ratings or Satisfactory outcomes would limit providers from **increasing** their level of recruitment, from the second cycle of assessments. Our proposals reflect the higher level of risk to students associated with a Requires improvement rating or Unsatisfactory outcome.

492. We consider our proposed approach to recruitment limits better reflects the different levels of risk. It does this through the different recruitment limits, phased implementation of the limits associated with Bronze ratings and Satisfactory outcomes, and the proposal not to apply them to providers with mixed aspect ratings or outcomes. The proposals address feedback from the stage one consultation and give providers time and incentive to improve. Our intention is that Requires improvement ratings and Unsatisfactory outcomes should trigger a recruitment reduction focused on protecting students from poor quality and the need for rapid improvement. Bronze ratings and Satisfactory outcomes should trigger a restriction focused

primarily on incentivising improvement beyond the minimum quality requirements and enabling more students to access high-quality provision and managing the risk that growth would create.

493. For providers that demonstrate satisfactory quality and are not intending to grow, our view is that the system creates other incentives for those providers to improve quality beyond the minimum requirements. For example, the requirement to publicise the Bronze rating or Satisfactory outcome would provide a reputational incentive to improve, and other restrictions or incentives may also apply, such as those linked to eligibility to apply for or extend DAPs, eligibility for funding (depending on the outcomes of our consultation on Strategic Priorities Grant (SPG) funding) or tuition fee uplifts and limits (depending on DfE decisions about this).

Providers with a Requires improvement rating or Unsatisfactory outcome

494. Following stage one, we decided that student recruitment limits will apply to providers with a Requires improvement aspect rating. We now propose that providers awarded a Requires improvement rating or an Unsatisfactory outcome for one or both aspects would be subject to a provider-level reduction in the number of students they can recruit. This would apply from the first cycle of assessments under the proposed future system.

495. These outcomes would indicate unsatisfactory quality or student outcomes. We think that requiring a reduction in the number of students a provider can recruit, rather than preventing any increase in numbers, would offer greater protection for future students while creating a stronger incentive for rapid improvement. We consider that reducing the provider's recruitment would protect students by ensuring that the provider limits or suspends enrolments to poor-quality courses and it would be strongly incentivised to make improvements for future years.

496. In developing the details of the approach, we now consider that a restriction on growth (not allowing any increase in the number of students a provider can recruit) would not sufficiently reflect the seriousness of a Requires improvement or Unsatisfactory outcome. A provider could continue to recruit the same number of students to provision that does not meet minimum requirements. We therefore now consider that a reduction in recruitment is a more appropriate response.

497. Our view is that providers receiving a Requires improvement or Unsatisfactory outcome should focus their efforts on addressing the identified concerns before recruiting additional cohorts of students. A reduction in recruitment would lower the number of future students exposed to provision that has been judged to be unsatisfactory and would enable providers to concentrate managerial, academic and financial resources on improvement activity for existing and future students.

498. We have considered what level of reduction would likely achieve the intention and remain proportionate. We consider it should be meaningful enough to protect students from being enrolled onto poor-quality courses and act as an incentive for improvement while avoiding undue negative impact on a provider's financial viability. We propose a year-on-year reduction in student recruitment of 10 per cent would provide an appropriate balance. A lower level, such as 5 per cent, would be less likely to provide sufficient incentive to make rapid improvements to quality, while a higher level such as 15 or 20 per cent may be less

manageable for providers in terms of their admissions process or impact on their financial viability.

499. We also note that under Proposal 2, we would reassess providers with Requires improvement or Unsatisfactory outcomes more quickly than providers with other outcomes. Providers facing recruitment reductions would have the opportunity to remove those restrictions relatively quickly, by improving their ratings or outcomes.

500. We propose that we would apply the limit according to the number of entrants in the academic year in which we award the rating. We would then require the provider to reduce student recruitment by 10 per cent year-on-year until its next assessment has concluded. For example, if a provider has a final outcome of Requires improvement in January 2029 (academic year 2028-29) and in that year it has 1,000 entrants to undergraduate courses, it would be limited to recruiting no more than 900 undergraduate students in academic year 2029-30 and no more than 810 in 2030-31.

501. Under this proposal, we would require a provider to reduce its student intake with less than 12 months' notice ahead of those reductions coming into force. We have considered whether this may cause providers difficulties with managing upcoming recruitment activities as well as any plans for future growth and associated financial modelling. We take the view that despite these potential issues for some providers, on balance the need to protect the interests of students by reducing enrolment onto poor-quality courses outweighs the potential negative impacts on those providers. We also consider that because providers would be aware of their provisional outcomes of Requires improvement with more than 12 months' notice, they could make plans to mitigate any potential impact that this may have on students, particularly in relation to making binding offers to students for study that they may not be able to fulfil due to restrictions on recruitment.

Providers with Bronze ratings or Satisfactory outcomes

502. Following stage one, we decided that student recruitment limits would also apply to providers with Bronze ratings, and that we would consult further on the approach.

503. A Bronze rating or Satisfactory outcome indicates that a provider is meeting minimum quality requirements but has not demonstrated consistently high quality. Our view is that future growth in the sector should be concentrated primarily in providers that have demonstrated high quality through Silver or Gold ratings. We also think that the quality system should protect students from risks that arise where rapid or significant growth places pressure on staffing, learning resources and student support. For these reasons, we propose that providers with Bronze or Satisfactory outcomes would normally be prevented from increasing student recruitment until they demonstrate high-quality provision through a subsequent assessment.

504. Unlike providers with Requires improvement or Unsatisfactory outcomes, these providers would **not** be required to reduce recruitment. They would be able to continue recruiting at their existing levels but we would **not** permit them to increase the number of students they recruit. This proposed change is in recognition that meeting minimum requirements represents a fundamentally different level of risk from a Requires improvement rating or Unsatisfactory outcomes.

505. We consider that restricting growth until a provider has demonstrated high quality provides a clear and transparent safeguard for students over the lifetime of the assessment outcome. It also avoids the need for us to undertake repeated reassessments or interventions solely to determine whether growth is creating additional quality risks or concerns about compliance with our regulatory conditions. In our view, this is a more proportionate and efficient approach to managing the risks to quality than allowing growth in student numbers and then seeking to address any resulting deterioration in quality after it has occurred.

506. We appreciate that concerns were raised about restricting recruitment for Bronze-rated providers, given that they meet minimum quality requirements, and the potential effect on providers' finances and their ability to invest in improvement. We considered and responded fully to these concerns in the stage one outcomes.[9] We concluded that unrestricted expansion at providers that have not yet demonstrated high quality would not be in students' interests. We concluded that restricting growth for providers demonstrating satisfactory quality would:

- enable more students in future to experience high-quality education, through a combination of driving up quality to this level and concentrating growth at providers that already offer consistently high quality

- be proportionate because we would not reduce existing student numbers or remove current benefits, but instead limit future growth until a provider demonstrates high quality through a subsequent TEF assessment.

507. In stage one we consulted on the factors associated with increased risks to quality that we would include in our risk monitoring tool. Growth in student numbers is one of those factors. Our previous quality assessment work has shown that significant growth, if not managed appropriately and underpinned by suitable investment, can result in poorer quality and outcomes for students. We also set out our view that the risk is likely to be more significant when combined with other risk factors such as growing partnership provision or recruiting more students onto foundation years or with low entry qualifications, as these students are more likely to have additional support needs. The link between rapid student number growth and risks to quality has also been explored in a recent HEPI report, including in relation to growth in franchised provision.[10]

508. We recognise that growth is a common strategy to generate additional income, but this should not take precedence over improving quality. Providers have a range of options available to manage financial challenges and support improvement activity, including reprioritisation of expenditure, operational efficiencies, changes to other activities, use of reserves and targeted investment. The appropriate approach will differ between providers. We therefore consider that it is reasonable to expect providers to identify routes to improvement that do not depend on expanding provision.

[9] See our response to Proposal 13: Incentives and interventions, in 'Future approach to quality regulation: Consultation outcomes', available at Consultation outcomes: Future approach to quality regulation - Office for Students.

[10] See A degree of regulation: Building a more financially sustainable and resilient higher education sector – HEPI.

509. We propose the limit on growth in student numbers would apply at a provider level and would normally apply where:

- both assessed aspects are rated Bronze or found Satisfactory; or
- only one aspect is assessed and that aspect is rated Bronze or found Satisfactory.

510. We propose that providers with mixed aspect ratings, that is a Bronze rating alongside either a Silver or Gold rating, would **not** normally be subject to a recruitment limit. In these circumstances the provider would have demonstrated high quality in at least one aspect and we consider that this provides greater assurance about the quality of provision and presents a different level of risk. Although in stage one we said that restrictions would be linked to the lowest or only aspect rating, we now take the view that for a provider with high quality in at least one aspect, there is more positive assurance of quality and a recruitment restriction would not normally be appropriate.

511. Where a provider is rated Bronze for an aspect and that is the only aspect that is assessed, the provider would **not** have demonstrated high-quality provision. Although the provider would not have been rated for both aspects, it is our view that the risk to future students is too great to allow the provider to increase its student entrant numbers until it receives a Silver or Gold rating for an aspect.

512. We propose to implement recruitment restrictions linked to Bronze ratings from the second TEF cycle (2030-31) or from a provider's second assessment, whichever comes first. This means that:

- for most providers, recruitment limits would apply to Bronze ratings awarded in their second TEF assessment, which would take place in the second quality assessment cycle, from 2030-31 onwards
- in some cases, recruitment limits would apply to Bronze ratings awarded in a provider's second TEF assessment, which could be in 2029-30, and this could occur where a provider receives a Requires improvement rating in 2027-28
- for providers that register with us after the introduction of the future TEF and have their first assessment from 2030-31 onwards, recruitment limits would apply to Bronze ratings awarded in that first assessment.

513. This approach to implementation for providers with Bronze ratings would give them time to take action and improve above this rating (or maintain a higher rating) before being subject to a limit on student recruitment.

514. In the case of providers that register after the introduction of the future TEF, we consider it appropriate for the student recruitment limits associated with Bronze ratings to apply to their first assessment. This is because those providers would have been assessed against our minimum quality requirements as part of the registration process, and our approach to scheduling assessments (taking into account whether they have sufficient data to apply for a TEF rating and how recent their other OfS assessments have been) would typically mean that new providers are expected to be assessed later in a cycle. This means by the time of

their first assessment, they would equally have had a reasonable timeframe in which to improve to their level of quality.

515. We have also considered the extent to which student recruitment limits for providers with Bronze ratings should apply automatically or more flexibly. We are seeking views on two approaches:

    a. Preferred approach: a predefined student recruitment limit would apply automatically through revised condition B6, to providers that have not demonstrated high quality in either aspect. This would mean providers rated Bronze in both assessed aspects, or where a provider's only assessed aspect is rated Bronze.

    b. Alternative approach: we would expect to impose a student recruitment limit on providers with a Bronze rating, on a case-by-case basis implemented through a specific ongoing condition of registration.

Automatic or case-by-case approach for Bronze-rated providers

516. Our view is that an automatic approach (through revised condition B6) would provide a clear, transparent and predictable approach for implementing student recruitment limits by setting out in advance the circumstances in which they apply. It would ensure that providers receiving the same TEF outcomes are subject to the same incentives and restrictions, supporting consistency and fairness across the sector. An automatic approach would also enable recruitment limits to take effect promptly following the publication of TEF outcomes, without requiring a separate case-by-case decision-making process. This would help to ensure that protections for future students are implemented without unnecessary delay. It would also strengthen incentives for providers to improve by establishing a clear and predictable relationship between TEF outcomes and recruitment restrictions.

517. For the avoidance of doubt, under this proposed approach we would maintain the ability to implement specific ongoing conditions of registration in accordance with the regulatory framework. For example, this might apply if, following a TEF assessment in the first cycle, a Bronze-rated provider was subject to a quality investigation that suggested a significant risk of a breach of conditions.

518. To further support consistency and transparency, we propose the recruitment limit linked to certain Bronze ratings would be a standard one. Recruitment would be limited to the number of student entrants in the academic year in which we award the Bronze rating. For example, if the provider has 1,000 student entrants in the year the rating is awarded, it would be set a recruitment limit of 1,000. From the following academic year, and in each of the subsequent years for the duration of the rating(s), we would permit the provider to recruit no more than 1,000 entrants.

519. We recognise that recruiting to a specific target could involve practical difficulties because of uncertainty around how many offers made to applicants will eventually be accepted. To enable providers to manage the practicalities of recruitment, we would not intend to enforce the recruitment limit where there has been a minor fluctuation in entrant numbers above the provider's recruitment limit in a given year.

520. We propose that a minor fluctuation would be defined as no more than 3 per cent above the recruitment limit, or 15 students, whichever is greater. We consider that this approach would provide sufficient flexibility for providers to manage the practicalities of recruitment while maintaining a strong incentive to improve quality.

521. We have also considered an alternative approach under which we would determine on a case-by-case basis whether a student recruitment limit should apply to providers with Bronze ratings from the second cycle of TEF.

522. Under this approach, we would consider the TEF findings and determine whether a recruitment limit, imposed through a specific ongoing condition of registration, is appropriate in the circumstances to mitigate the regulatory risk to quality associated with growth in student numbers.

523. The proposed recruitment limit, the scope of the limit and any associated tolerance would be determined by having regard to the specific circumstances of the case. Before imposing a specific condition, we would first write to the provider, inviting it to make representations (that is setting out any information, evidence or reasons why a recruitment limit would not be appropriate), before we make a final decision on whether or not to impose the specific condition.

524. This alternative approach would allow greater discretion. We would take into account the particular findings of a TEF assessment, together with any other relevant information, when determining whether a student recruitment limit should be imposed and if so, the nature of the limit to be applied. This would mean a recruitment limit could be targeted at a specific subject rather than at a provider level. However, in contrast to the automatic approach, this approach may not provide the same degree of clarity for providers or the same level of consistency across the sector. It would also give a provider less autonomy in managing the limit. It would also require a more resource-intensive process with additional assessment and decision making in each case, increasing complexity, regulatory burden and cost for both providers and us.

525. We are seeking views on both an automatic and case-by-case approach to the implementation of student recruitment limits for providers with a Bronze rating. Annex D and the draft guidance sets out the automatic approach. If we decide to adopt the alternative case-by-case approach following consultation, we would revise the annex and guidance to reflect that decision.

Implementing student recruitment limits

526. For the purpose of recruitment limits we propose to calculate a provider's student entrant numbers using the same methodology that underpins the calculation of student outcome and experience measures. This approach identifies entrant cohorts as individual students entering higher education within a defined period and applies a consistent set of coverage rules and exclusions across all providers.[11] Using the established entrant methodology would align the methodology used for applying recruitment limits with that used to perform the assessments on which those restrictions would be based. It would therefore provide a clear

[11] See 'Description of student outcome and experience indicators used in OfS regulation', pages 20-21, available at Documents describing our measures and definitions - Office for Students.

and transparent link between the way we assess performance and the way we calculate the population to which any regulatory consequence applies.

527. We consider that this approach is preferable to alternative measures based on full-time equivalent (FTE) activity. This is because recruitment restrictions are intended to limit the number of new students entering a provider, rather than the volume or intensity of study undertaken by those students. Using this methodology would also promote consistency and reduce complexity for providers. It would also make use of well established definitions and data processes that are already understood by the sector and regularly used in the publication of student outcome and experience measures.

Further detail on the proposed approach to calculating and applying student recruitment restrictions linked to Requires improvement and Bronze ratings is set out in Parts 10.1 to 10.3 of the draft guidance.

Question 19: Do you agree, partly agree or disagree with the proposed approach to student recruitment limits, including:

19.a. recruitment reductions for providers with an Unsatisfactory or Requires improvement outcome

19.b. from the second cycle, limiting recruitment (not allowing any increase in student numbers) for providers with Bronze or Satisfactory outcomes

19.c. implementing recruitment limits for providers with Bronze ratings on an automatic basis?

Please explain your reasons.

Proposal 20: Eligibility for degree awarding powers (DAPs)

Summary

Stage one decisions

- Eligibility to apply for DAPs, or to extend existing powers, should be linked to the quality of provision demonstrated through the TEF.
- Providers with a Requires improvement rating will be ineligible to apply for or extend DAPs, and links between Bronze ratings and DAPs eligibility will be consulted on further in stage two.

What we are proposing now

- We are proposing that providers would normally need to demonstrate high quality through TEF ratings before they become eligible to apply for or extend their DAPs.
- Providers that already hold DAPs would also need to continue to demonstrate high quality through the TEF.
- This proposal sets out how eligibility for DAPs would operate under the future quality system.

Why we are proposing this

- The future quality system should ensure that eligibility for DAPs is determined through a clear and transparent framework that reinforces the strengthened incentives and restrictions attached to this system.

Key points of this proposal

- Providers would need to demonstrate high-quality provision and outcomes before becoming eligible to apply for or to extend DAPs.
- Providers would normally need Silver or Gold TEF ratings in both assessed aspects to become eligible to apply for DAPs or extend existing powers.
- Providers that receive a Bronze aspect rating would **not** normally be eligible to apply for or extend DAPs.
- Providers that do not apply for TEF ratings would **not** normally be eligible to apply for DAPs.
- Providers seeking registration and New DAPs at the same time would continue to be able to apply in limited circumstances. However, we would require them to demonstrate high quality through an enhanced quality assessment as part of the registration process.

- Providers that already hold DAPs would need to continue demonstrating high quality through either a Silver or Gold TEF rating.

- Providers that no longer demonstrate high quality through TEF ratings may become ineligible to extend their DAPs and may be subject to regulatory intervention, including variation or revocation of DAPs in the most serious cases.

Explanation

528. Our view is that providers seeking new or additional awarding powers should be able to demonstrate that they are delivering at least high-quality provision through a Silver or Gold TEF rating, with no significant risks to the quality of the student experience or outcomes. DAPs carry significant responsibilities, including safeguarding academic standards, assuring the quality of awarded qualifications and the academic experience, and making academic awarding decisions. We consider that these responsibilities require a provider to demonstrate more than compliance with minimum regulatory requirements. If we implement the proposals in this consultation related to changes to the B conditions, those minimum requirements would represent satisfactory rather than high quality.

529. The current approach set out in the regulatory framework and associated DAPs guidance[12] says that a provider is eligible to apply for DAPs if it satisfies all of its ongoing conditions of registration. It then explains that in our initial assessment we will consider the existing risk assessment for the provider. An application for DAPs may be less likely to succeed if a provider is subject to enhanced monitoring, or has one or more specific ongoing conditions of registration relevant to the application (including to mitigate risks relating to quality and standards). However, we do not think that an absence of regulatory concerns on its own is sufficient evidence that a provider is delivering high-quality provision.

530. Providers applying for TEF ratings would be assessed to establish the level of quality and outcomes they are delivering above the minimum requirements. This would provide a more detailed and consistent assessment of whether a provider has demonstrated high-quality provision, rather than relying solely on the absence of identified regulatory concerns.

531. The current DAPs criteria expect a provider to deliver high-quality higher education, we therefore do not consider that eligibility for DAPs should be based on evidence that a provider meets minimum expectations. Instead, providers seeking DAPs should be able to demonstrate a level of quality consistent with the significant responsibilities associated with awarding their own degrees.

532. This proposal would support students' interests and public confidence in the higher education sector by ensuring that providers have demonstrated high-quality provision before becoming eligible to apply for DAPs. It would also provide greater clarity about the threshold for eligibility and help focus resource-intensive DAPs assessments on providers that have already demonstrated that they can deliver high-quality higher education.

[12] See Regulatory advice 12: How to apply for degree awarding powers - Office for Students, paragraphs 42, 46 and 47.

DAPs eligibility criteria for registered providers

533. We would amend the regulatory framework (including paragraphs 221 and 249) and associated DAPs guidance, Regulatory advice 12 and 17.[13] These amendments would set out that, in addition to existing eligibility requirements, registered providers would normally need to demonstrate high-quality provision and ratings through a TEF assessment before becoming eligible to apply for New DAPs, Full DAPs or a variation of existing DAPs. A variation could be, for example, to extend subjects or levels that could be awarded to apply for indefinite DAPs.

534. Providers applying for TEF ratings would satisfy the eligibility requirement where both assessed aspects are rated Silver or Gold. We would expect a provider to be rated Silver or Gold in both aspects to be eligible for DAPs. We will consult separately on revised eligibility requirements where a provider cannot be rated for the student experience aspect because it does not have sufficient data.

535. We would expect to take this approach in the vast majority of cases. However, we recognise that exceptional circumstances may arise where it might be appropriate to depart from this approach, for example where a merger or acquisition requires DAPs to be reconsidered. We discuss these circumstances further below.

536. Providers that satisfy the eligibility requirements would then be allowed to progress to a full DAPs assessment against the DAPs criteria. We will consider separately, as part of future DAPs reform, changes to the DAPs criteria themselves including whether we can reduce or remove any duplication between TEF and DAPs assessments.

DAPs eligibility criteria for providers seeking New DAPs and OfS registration

537. Providers applying for registration can currently apply for New DAPs at the same time. Currently, eligibility under this route is based on whether a provider can satisfy the requirements for registration. If we implement the proposals in this consultation to amend the B conditions, this would mean the quality assessment at registration would confirm a provider's ability to deliver satisfactory rather than high-quality provision, which would be a lower threshold than expected of current registered providers.

538. Consistent with our proposed approach for registered providers, we consider that providers seeking New DAPs should be able to demonstrate high quality. This reflects our view that DAPs should be available only to providers that can demonstrate high quality, rather than merely meeting minimum regulatory requirements.

539. We would amend the regulatory framework and relevant DAPs guidance so that, in addition to the existing criteria, a provider seeking New DAPs under this route would need to demonstrate, through an amended and enhanced B7 and B8 assessment, that it is delivering, or has credible plans to deliver high-quality provision. Assessment teams would test a provider's delivery or plans to confirm that minimum requirements are met. It would also test whether the provider can also demonstrate quality consistent with the standard required for DAPs eligibility using the TEF criteria for Silver. This route for an enhanced

[13] See Regulatory advice 12: How to apply for degree awarding powers - Office for Students and Regulatory advice 17: Variation and revocation of degree awarding powers - Office for Students.

assessment would incur a cost for the provider under our fee charging powers for quality assessments, as is the case now.[14]

540. Providers that are not yet delivering higher education when they apply for registration and New DAPs are assessed largely on the basis of plans rather than outcomes. We recognise that these providers may find it challenging to demonstrate high quality. In practice, this is likely to require either highly developed delivery plans and substantial supporting evidence, or an existing track record of delivering comparable higher education provision. For example, a provider may already have its own DAPs in another country with robust regulatory oversight.

541. We recognise that this proposal will narrow the circumstances in which New DAPs can be obtained. However, we think this is appropriate given the significant responsibilities associated with DAPs. In addition, the vast majority of providers that have applied for New DAPs since 2018 have had a track record of delivering higher education. We think it is appropriate to continue to allow applications only in more limited circumstances and where we have a high degree of assurance that providers will deliver high quality. This will offer better protection for students and be consistent with the eligibility requirements we propose to set for registered providers.

542. We would normally expect providers that apply for TEF ratings to wait until they have achieved a Silver or Gold TEF rating before they can submit a DAPs application.

543. Where a provider believes there are compelling reasons to apply for DAPs before it has obtained a TEF rating, it may request an earlier TEF assessment and provide evidence to support that request. We would consider whether it is appropriate to bring forward the TEF assessment, taking account of wider TEF scheduling factors.

Providers with existing DAPs powers

544. Providers that already hold DAPs would normally need to continue to demonstrate high-quality provision and outcomes through either a Silver or Gold TEF rating. Providers that apply for TEF ratings and receive a Bronze or a Requires improvement aspect rating, would **not** normally be eligible to:

- vary an order from New DAPs to Full DAPs or time-limited DAPs to indefinite DAPs
- extend a level-specific or subject-specific DAPs
- extend any order to include supplementary powers (this may include validation and subcontracting powers).

545. Where a provider's DAPs order is due to expire and it would not be eligible to apply for a variation because it has received a Bronze or Requires improvement TEF rating, we may seek advice from the Quality Assessment Committee (QAC) on whether to grant a further period of time-limited DAPs. This would prevent the order expiring before the provider has had a reasonable opportunity to demonstrate that it can improve to meet the required standard. In doing so, we would take account of the provider's individual circumstances and

[14] See The Higher Education (Assessment Fees) (England) Regulations 2023 - GOV.UK.

any relevant regulatory concerns. Where concerns relate to particular areas of provision, including partnership or subcontractual arrangements, we may also consider whether it is appropriate to impose restrictions on the scope or exercise of the provider's DAPs before its next TEF assessment.

546. We may make an exception to these eligibility requirements where a provider holds mixed TEF aspect ratings, that is a rating of Bronze alongside an aspect rating of either Silver or Gold, or where a merger or acquisition means that we need to reconsider DAPs. In these circumstances, we would decide eligibility on a case-by-case basis, taking into account the relevant assessment findings alongside other regulatory information we hold.

Variation or revocation of DAPs where a provider no longer demonstrates high quality

547. If a provider with an existing DAPs order receives a Requires improvement aspect rating through the TEF, we may consider regulatory intervention. This could include restricting validation and other partnership activity, limiting the scope of the provider's powers to particular subjects, or applying a time limit to the authorisation.

548. Where assessment activity identifies breaches of quality conditions, consistent with the current approach set out in the regulatory framework, we would consider whether the provider's DAPs should be varied or revoked. Providers that receive consecutive judgements indicating that they are not delivering high-quality student experience or outcomes would be subject to increased regulatory intervention, which could include revocation of DAPs (see Proposal 21).

549. As Proposal 6 explains, TEF assessments would consider a provider's validated-only provision separately. A judgement of Unsatisfactory for validated-only provision would not affect the provider's student experience or student outcomes ratings and would not automatically make the provider ineligible to vary or extend DAPs generally. However, this judgement would have relevance for the provider's ability to validate provision delivered by other providers.

550. We propose that, where validated-only provision is judged to be unsatisfactory, we may consider varying the provider's DAPs to restrict it from entering into new validation arrangements. We would expect the provider to address the concerns and demonstrate improvement by its next TEF assessment. If the provider receives a consecutive judgement of Unsatisfactory for its validated-only provision at its next TEF assessment, we would normally look to remove its ability to validate provision delivered by other providers altogether.

551. These implications are distinct from those that would apply where a provider no longer demonstrates high quality through either TEF or a DAPs suitability assessment and would normally be targeted at validation activity, unless the evidence from any relevant assessment indicates wider concerns relevant to the provider's exercise of its DAPs more generally.

Future DAPs reform

552. This consultation proposes to reform the eligibility criteria for applying for or extending DAPs. We will issue a separate consultation shortly on wider changes to the application requirements and eligibility for DAPs. We also plan a larger consultation on the DAPs criteria and process next year. We recognise that there is a separate question about whether and

how assessment outcomes should also affect a provider's ongoing entitlement to hold DAPs after they have been granted.

553. In our future reform we expect to consider issues including:

- how assessment outcomes should affect existing DAPs orders
- how any future approach should operate alongside existing regulatory powers and interventions
- opportunities to reduce regulatory burden through greater alignment between quality assessment processes described in this consultation and the substantive DAPs criteria and assessment process.

Question 20: Do you agree, partly agree or disagree with the proposed approach to eligibility for DAPs, including:

20.a. for registered providers to apply for or extend DAPs

20.b. for new providers seeking DAPs and registration simultaneously

20.c. for providers with existing DAPs powers?

Please explain your reasons.

Proposal 21: Quality investigations and changes to assessment outcomes

Summary

Stage one decisions

- We will use a risk monitoring framework to identify providers at increased risk of delivering poor-quality provision, between TEF assessments.
- Where significant concerns emerge, providers may be subject to targeted quality assessments outside of the TEF, including provider visits.
- Findings from these quality assessments may affect TEF ratings and lead to regulatory intervention.

What we are proposing now

- We are proposing that cyclical quality assessments should be the primary way in which we assess and respond to quality risks.
- We would continue to monitor quality between scheduled assessments and carry out investigations where appropriate.
- Investigation findings could lead us to revise minimum requirement outcomes or TEF ratings, take regulatory action or both.
- We are also proposing a clearer approach to escalating regulatory action where providers do not demonstrate improvement over time, and to reviewing ratings and minimum requirements assessment outcomes for providers affected by significant organisational changes.

Why we are proposing this

- We want a coherent and integrated quality system in which quality assessment outcomes, regulatory findings and regulatory interventions are aligned, quality concerns are addressed promptly, and providers are expected to demonstrate improvement where we identify concerns.

Key points of this proposal

- We would examine most quality risks identified through ongoing risk monitoring through a scheduled quality assessment.
- Where concerns about compliance emerge that could not be reasonably addressed through a scheduled assessment, or which require urgent investigation, we may undertake a quality investigation.

- Investigations may result in regulatory intervention and revisions to a provider's TEF or minimum requirements outcomes, where those outcomes no longer reflect the quality experienced by students.
- Providers receiving consecutive Requires improvement or Unsatisfactory outcomes would normally experience escalating regulatory action.
- TEF ratings and minimum requirements assessment outcomes may also be reviewed and amended where a provider is affected by significant corporate, organisational or structural changes.

Explanation

Quality monitoring between scheduled assessments

554. Following stage one, we decided that:

    - we would continue to monitor quality risks between TEF assessments
    - we would retain the ability to investigate concerns about quality, and that findings from those assessments may affect TEF ratings.

    We have now considered further how these different elements should operate together within a single quality system.

555. All providers would be subject to cyclical assessment in the future quality system. The outcome of these assessments would normally remain in place until the provider's next scheduled quality assessment. However, a provider's circumstances may change between assessments, and new quality risks may emerge. We consider that it is important that TEF ratings and minimum requirements assessment outcomes remain a reliable indication of quality for students, while enabling us to respond quickly where concerns emerge.

556. We will therefore continue to monitor risks to quality throughout the period between a provider's scheduled quality assessments. We will consider risks set out in the quality risk monitoring document, including notifications and other relevant regulatory intelligence.

557. Where increased risks to quality emerge between assessments, we may engage with the provider to understand the concerns and determine the most appropriate response. We may:

    - continue monitoring the provider and maintain the existing assessment timetable
    - bring forward a provider's next quality assessment so that we can assess the identified risks through this, including an enhanced assessment if additional evidence gathering is necessary
    - undertake a quality investigation if concerns appear sufficiently significant or require more immediate or detailed investigation.

Quality investigations

558. Although cyclical quality assessments would address most risks identified through quality monitoring, including enhanced assessments where appropriate, we will continue to

undertake quality investigations in some circumstances. We propose that this would normally occur where bringing forward the provider's next scheduled assessment would not provide sufficient assurance or protection for students, or where concerns identified through the provider's latest assessment (for example, following a Requires improvement rating) merit more detailed investigation. A quality investigation may be appropriate where:

- new concerns emerge shortly after a provider's cyclical quality assessment that we consider require further assessment
- concerns arise that require urgent or more detailed investigation
- intelligence suggests serious or systemic concerns about quality
- a cyclical quality assessment identifies concerns that merit further investigation because, if the concerns are substantiated, regulatory intervention may be necessary to protect students.

559. We will continue to take a risk-based approach, taking account of the seriousness of the concerns, the potential impact on students and whether a more detailed investigation would likely be more effective at understanding and addressing the concerns. We are more likely to undertake a quality investigation where specific concerns are identified through third-party notifications.

560. We consider that making cyclical quality assessments our primary mechanism for exploring and assessing risk to quality would provide a more integrated and efficient approach than undertaking investigations whenever we identify risks. We consider that retaining the ability to undertake quality investigations in some cases strikes an appropriate balance between an integrated and efficient approach, and gives us the flexibility to undertake additional assessment where appropriate.

Impact of investigations on TEF or minimum requirements outcomes

561. Where we undertake a quality investigation, we propose that the findings should have implications for any existing TEF ratings or minimum requirements outcomes.

562. Where we identify a breach of condition B1, B2 or B4 between scheduled assessments, we consider that the provider's published assessment ratings or outcomes should be consistent with those findings. Where we conclude that the findings are incompatible with the existing ratings or outcomes we may revise them before the provider's next scheduled assessment. This is so that the integrated quality system provides a single coherent view of a provider's quality that students and other stakeholders can rely on.

563. For example, if an investigation finds a breach of a condition:

- a provider with a Bronze TEF rating may have the rating changed to a Requires improvement rating
- a provider with a Satisfactory outcome may have that changed to Unsatisfactory.

564. We would consider the nature, seriousness and scale of the breach, together with the impact on students, when determining the implications for the provider's TEF rating or minimum requirements assessment outcome.

565. We would normally consider a:

- maximum rating of Bronze to be compatible with a breach or breaches that are limited in scope or impact
- rating of Requires improvement or outcome of Unsatisfactory to be compatible with more serious and widespread breaches.

566. Any revised rating or outcome would replace the previously published outcomes, and the consequences and assessment cycle associated with the new rating or outcomes would then apply. For example, if a provider's TEF rating was revised to Requires improvement following an investigation, the provider would become subject to the same restrictions and reassessment timetable as any other provider rated Requires improvement through the TEF.

567. Revising a rating to Requires improvement or an outcome to Unsatisfactory would normally lead to reassessment after two years. Where concerns are particularly serious, systemic or ongoing, we may determine that a further quality investigation or regulatory action is required. We may also consider using our enforcement powers in accordance with the regulatory framework where the findings indicate significant breaches of conditions of registration. This may be in addition to any changes we make to a provider's TEF rating or minimum requirements outcome.

568. Where we revise a rating or outcome we would not amend the original assessment report. Normally, we would expect to publish a separate report about the quality investigation and supplementary information to explain how the breach affected the rating or outcome. We would seek to ensure any supplementary explanation is sufficiently prominent to avoid any misinterpretation by students. A provider would have the opportunity to make representations on any publication matters.

569. Conversely, a quality investigation may not necessarily identify concerns requiring further action. In some cases, it may provide sufficient assurance that the provider continues to meet relevant quality requirements or identify less significant concerns that are not inconsistent with the provider's current rating or outcome.

570. In these circumstances we would normally leave the provider's TEF rating or outcome unchanged and maintain the existing assessment timetable. Where residual risks remain, we may instead bring forward the provider's next scheduled assessment so that we can assess those issues through the quality assessment process.

571. If a quality investigation identifies concerns about the accuracy of a provider's student outcomes data that results in material amendment of that data, we would normally expect to review a student outcomes rating or outcome to ensure that it reflects the amended data. If necessary, we would revise a rating or outcome using the same approach as we have set out above for student experience assessments.

572. Where we are already investigating a provider in relation to quality at the point we would otherwise select it for its cyclical quality assessment, we would normally complete the investigation first. This would ensure that we could take any findings into account when determining the assessment route and type of assessment required (as described in Proposals 1 and 3) and avoid duplication of assessment activity.

573. We would make consequential changes to the guidance on the B conditions in the regulatory framework, and to Regulatory advice 15: Monitoring and intervention, to reflect these proposals. These changes would explain that, where we identify a breach of a quality condition, we may review whether an existing TEF rating or assessment outcome remains appropriate. Where we conclude that a breach is incompatible with a provider's TEF rating or assessment outcome, we may revise that rating or outcome or limit the rating available through a future TEF assessment.

574. We consider that this approach would ensure that regulatory findings, TEF ratings and minimum requirements outcomes remain aligned over time and maintain a coherent view of quality for students.

Consecutive Requires improvement or Unsatisfactory outcomes

575. Where a provider receives consecutive outcomes of Requires improvement or Unsatisfactory, we propose that we would take appropriate regulatory action, including the use of the full range of our enforcement powers. Our view is that, where providers do not improve, the future quality system should provide a credible route from identification of concerns, through improvement and reassessment, to stronger regulatory action.

576. Our proposal to make providers with a Requires improvement rating or an Unsatisfactory outcome reduce their student recruitment is intended to protect students and incentivise rapid improvement where we have identified concerns. However, consecutive outcomes of Requires improvement or Unsatisfactory would indicate that this restriction has not been sufficient to secure the necessary improvements, or that significant concerns continue to exist. In some cases, this may reflect a failure to address previously identified issues. In others, the provider may have addressed the original but new concerns of a similar seriousness may have emerged. In either circumstance, students would continue to be exposed to provision that is not delivering the required minimum level of quality.

577. We therefore propose that, for providers that apply for TEF ratings, the revised condition B6 should include a new requirement that a provider awarded a Requires improvement rating must demonstrate improvement by achieving a higher rating at its next assessment. The purpose of this requirement is to establish a clear expectation that significant quality concerns identified through the quality assessment system are addressed within a reasonable period and to provide a transparent basis for escalating regulatory action where ia provider has not demonstrated improvement.

578. We would normally consider two consecutive Requires improvement ratings, whether in relation to the same TEF aspect or different aspects, to be a breach of the revised condition B6. This would provide a clearer regulatory mechanism through which we can respond where providers fail to demonstrate sufficient improvement following a Requires improvement rating. For providers that receive consecutive Unsatisfactory outcomes, we would use the approach set out in the regulatory framework to escalate regulatory action.

579. We would normally expect two consecutive outcomes of Requires improvement to lead to significant regulatory intervention, for example suspension of registration or deregistration. The nature of any intervention would depend on the circumstances of the case, including the severity and persistence of concerns and the impact on students.

580. We would also consider whether the circumstances indicate that the provider has breached one or more other conditions of registration, including but not limited to conditions B1, B2 and B4. Where relevant, findings from quality investigations would inform this consideration.

581. We would consider the circumstances of each case and determine the appropriate intervention, in accordance with our published guidance in Regulatory advice 15: Monitoring and intervention and the regulatory framework. This could include consideration of:

    a. Imposing a monetary penalty.

    b. Suspending aspects of a provider's registration, which could include suspending access to student support funding or OfS public grant funding.

    c. Varying or revoking a provider's authorisation for DAPs, or revoking a provider's authorisation to use 'university' in its title

    d. Deregistering a provider.

582. We consider that this approach would create a clear expectation that providers demonstrate improvement following an outcome of Requires improvement, while ensuring that stronger regulatory intervention is available where significant concerns persist over time.

Other circumstances where assessment outcomes may change

583. As well as changes in quality, there may be situations where a TEF rating or minimum requirements outcome no longer appropriately reflects a provider's current position. We therefore also propose other circumstances that could affect a provider's published rating or outcome between scheduled assessments.

584. We propose to consider whether a provider's rating or outcome remains appropriate in the following circumstances:

    a. Where a provider is suspended from or removed from the OfS Register.

    b. Where a provider makes significant changes to its educational offer such that its rating or outcome is no longer relevant. For example, a provider that was rated for undergraduate provision may subsequently cease delivering undergraduate courses and move to deliver only postgraduate provision. In such circumstances, we may remove the undergraduate rating if it would no longer be relevant to the provision.

    c. Where a provider is re-registered following a change in corporate structure or ownership.

    d. Following a merger or acquisition.

585. Where a provider is re-registered following a change in corporate structure or ownership, we would consider if it is operating the same or substantially the same higher education business as the previously registered provider. Where students' experiences of the provider

remain substantially the same we would normally apply the existing TEF rating or minimum requirements outcome to the new entity. If a rating or outcome is transferred, the provider would also be subject to any associated student recruitment restrictions under proposed revisions to B6.

586. However, we recognise that significant changes may occur after re-registration. If this happens, we may decide to bring forward a future scheduled assessment so that students have access to more up-to-date information.

587. Where a re-registering provider is genuinely new and is not operating the same or substantially the same higher education business as the previous provider, we would normally treat it as a new provider for quality outcome purposes. In these circumstances, ratings or outcomes would not normally transfer. The provider would instead enter the quality assessment system in the same way as any other newly registered provider.

588. Where providers merge, we would consider the circumstances of the merger when deciding whether existing ratings or outcomes should transfer to the merged organisation. We would normally expect to transfer the ratings or outcomes and associated restrictions to the merged entity. However, we may decide not to transfer ratings or outcomes in some cases. To make that decision we would consider:

- the respective TEF ratings or outcomes of the merging providers
- their compliance histories
- the proportion of the merged provider's higher education business contributed by each organisation
- the overall effect of the merger on the student experience.

589. This approach would allow us to take account of the wide range of merger and acquisition models that exist across the sector while ensuring that TEF ratings or minimum requirements outcomes remain meaningful and informative for students.

Further information on the interaction between TEF ratings and quality monitoring or investigations is set out in Part 10 of the draft guidance.

Question 21: Do you agree, partly agree or disagree with the proposed approach, including:

21.a. the impact of quality investigations on TEF ratings or minimum requirements outcomes

21.b. the approach to consecutive Requires improvement ratings or Unsatisfactory outcomes

21.c. other circumstances in which assessment outcomes may change?

Please explain your reasons.

Further questions

Question 22: Do you have any further comments you would like to make in relation to the proposals contained in this consultation document, annexes or draft guidance?

Relating to the draft guidance for providers and assessors:

Question 23: Do you agree, partly agree or disagree that the main draft guidance document is useful and clear in explaining the quality assessment process and requirements?

Please suggest how the draft guidance could be improved.

Relating to the draft guidance for student submissions:

Question 24: Do you agree, partly agree or disagree that the draft guidance document on the student submission is useful and clear in explaining the student submission process and requirements?

Please suggest how the draft guidance for students could be improved.

Relating to revised condition B6:

Question 25: Do you agree, partly agree or disagree that the proposed changes to condition B6 appropriately reflect the requirements proposed through this consultation?

Please explain your reasons.

Annex A: Glossary and abbreviations

Glossary of terms

TEF assessments: where providers apply for ratings that show different levels of quality below, at or above the minimum requirements.

TEF ratings: the outcomes of either Requires improvement, Bronze, Silver or Gold following a TEF assessment.

Minimum requirements assessment: where providers do not apply for TEF ratings and are assessed only on whether or not they meet minimum requirements.

Minimum requirements outcomes: the outcomes of either Unsatisfactory or Satisfactory following a minimum requirements assessment.

Quality investigations: where we identify potential concerns about compliance and carry out an assessment focused on establishing whether the concerns are substantiated.

Making representations: providing information, evidence or reasons for us to consider before we make a final decision.

Student recruitment limits: a limit on the number of students a provider is permitted to recruit.

Reduction in student recruitment: a requirement for a provider to recruit fewer students than it currently recruits. This would apply to providers that receive a Requires improvement rating or an Unsatisfactory outcome.

Limit on growth in student numbers: a requirement that allows a provider to continue recruiting at its current level but prevents it from increasing the number of students it recruits. This would normally apply to providers that receive a Bronze rating or a Satisfactory outcome.

B conditions: ongoing OfS conditions of registration for quality and standards – full details are available at: How we regulate quality and standards - Office for Students.

Abbreviations used in this consultation

Abbreviation	Definition
ABCS	Associations between characteristics of students (measures)
DAPs	degree awarding powers
DfE	Department for Education
FSM	free school meals
FTE	full-time equivalent
GO	Graduate Outcomes (survey)
HERA	Higher Education and Research Act 2017
HTQ	higher technical qualifications
IFS	Institute for Fiscal Studies
ILR	Individualised Learner Record
LEO	Longitudinal Education Outcomes (survey)
LLE	Lifelong Learning Entitlement
NSS	National Student Survey
OfS	Office for Students
PAYE	Pay as You Earn
PSRB	Professional, Statutory and Regulatory Body
QAC	Quality Assessment Committee
SPG	Strategic Priorities Grant
TEF	Teaching Excellence Framework

Annex B: Summary of TEF and minimum requirements assessments

The quality system	
Minimum requirements assessment (mandatory)	**TEF rating (optional)**
Purpose	
Assess whether a provider meets the minimum requirements of conditions B1, B2, B3 and B4	
	Determine whether quality is at a higher level
Criteria	
Student experience • Course content • Course delivery • Assessment and feedback • Student support • Learning resources • Student engagement	Student outcomes • Continuation • Completion • Post-study outcomes
Criteria are judged as satisfactory or unsatisfactory	Criteria are judged as outstanding, high quality, satisfactory or unsatisfactory

Evidence: Student experience	
NSS indicators where available	Sufficient NSS indicators
• Provider submission demonstrating the requirements of conditions B1, B2 and B4 are met • Additional information and a site visit if the provider is selected for an enhanced assessment • Other relevant information (e.g. Ofsted and PSRB findings)	
	• Additional evidence in the provider submission about quality exceeding the minimum requirements • Independent student submission
Evidence: Student outcomes	
Any available student outcomes indicators	Sufficient student outcomes indicators
Provider submission of contextual evidence about any indicators of concern identified by the OfS	
	Provider submission optionally addressing performance in other indicators

The quality system

Minimum requirements assessment (mandatory)	TEF rating (optional)
Assessment	
• Small assessment team consisting of academic assessors, student assessors and an OfS staff member • A lead assessor from each team presents the team's recommendations to the Quality Assessment and TEF panel • Quality Assessment and TEF panel makes decisions on the assessment outcomes • Providers can make representations about Requires improvement, Bronze or Unsatisfactory outcomes	
Outcomes	
Outcome for each aspect is published by the OfS and the provider	
Each aspect is assessed as either Satisfactory or Unsatisfactory	Each aspect is assessed as either Gold, Silver, Bronze or Requires improvement
Consequences	
• Student recruitment limits would apply to providers with either a Satisfactory or Unsatisfactory outcome • Providers would not normally be eligible to apply for degree awarding powers • Reassessment is normally based on the lowest outcome: – Satisfactory: three years – Unsatisfactory: two years	• Student recruitment limits would apply to providers with Bronze or Requires improvement ratings • Providers with Bronze or Requires improvement ratings would not be eligible to apply for or extend degree awarding powers • Reassessment is normally based on the lowest rating: – Gold: five years – Silver: four years – Bronze: three years – Requires improvement: two years

Annex C: Sufficient data for TEF assessments

Introduction

1. Following our stage one consultation, we decided that we would only assess aspects within TEF for which a provider had sufficient indicator data for use in the assessment. However, we said that we would review the proposed data sufficiency requirements for the NSS indicators, with the aim of increasing the number of providers that could be rated for the student experience aspect. We have also reconsidered the sufficiency tests for the student outcome indicators, in the light of the proposed role of post-study indicators in assessing student outcomes.

2. We propose to take the same broad approach to testing data sufficiency as originally proposed, with some revisions.

3. The approach would involve testing whether an indicator:

    a. Covers a substantial proportion of the provider's students.

    b. Provides sufficiently strong statistical evidence to inform a judgement about performance.

4. We would then consider whether, for the aspect as a whole, there are enough indicators that meet these tests to inform a rating for the aspect.

5. The following paragraphs set out revised proposals for how we would determine whether these two tests are met.

Student experience

6. Having taken the decision to rate student experience only where a provider has sufficient NSS data, we have reflected on whether there is a way to design the tests that would allow more providers to be rated, while still ensuring that the data covers a substantial proportion of their students and provides a meaningful indication of performance. We have also taken account of the proposal to normally give half the weight to the NSS indicators when assessing the student experience aspect.

7. In terms of the coverage of the student experience indicators, our initial proposal was to consider indicators for modes of study that represented at least 35 per cent of the provider's students. If at least half of the provider's students in the relevant mode are on courses longer than one year, we proposed that the indicator had sufficient coverage to be used in assessment. We considered this to be the simplest test to give us a likely indication of whether the majority of the students in that mode are likely to be invited to complete the NSS.

8. We now propose to consider indicators where students who complete courses longer than one year in the relevant mode represent at least 25 per cent of everyone who completes at a provider. The advantage of this change is that providers where the great majority of students are in a single mode could be included, even if more than half of the students are on one-year courses. It also makes the approach more consistent across providers with different proportions of students in different modes of study.

9. For example, if all of a provider's students are full-time, and 40 per cent of its students are on courses lasting longer than a year, this would be sufficient data using the proposed test. Previously this would not be treated as having sufficient data, despite a higher overall proportion of students likely to complete the NSS than some other providers that would have had sufficient data because of the way students were split across modes of study.

10. In terms of statistical confidence, we had proposed needing 90 per cent or higher statistical confidence that indicator performance is either materially above, in line with or materially below benchmark (or spans no more than two of these areas). We propose modifying this to use a lower threshold of 80 per cent. We consider that alongside the submissions and other evidence, this would still provide sufficient statistical confidence to inform the assessment. We would provide guidance to assessors on appropriate weighting of the data based on the strength of the evidence it presents.

11. In terms of the number of indicators that meet these tests, we are now proposing that, for at least one mode of study, we would need indicators for three or more of the six NSS themes.

12. These tests could only be applied to publishable indicators, so where the survey response rate is at least 50 per cent.

13. The coverage requirement, regarding courses lasting longer than a year, is to ensure that a substantial proportion of students will be eligible for the survey at some point during their course. Currently students on one-year courses are not eligible to take the NSS. We would use the latest year of size and shape data[15] to make this judgement, and use qualifiers rather than entrants because they are a better estimate of the population who will have taken the NSS. If for some reason a provider does not have any size and shape data relating to qualifiers but still has NSS data, we would determine whether they have sufficient data on a case-by-case basis.

14. Additionally, if we proceed with the proposal to allow further education colleges to opt in to having students on one-year courses included in the NSS, we would apply a different test to providers that choose to do this. For any provider that has opted to include its students on one-year courses in the NSS for two years prior to the assessment, we would waive the requirement relating to course length and test only if 25 per cent of students were in the relevant mode. In our view, we would need at least two years of data for one-year courses to have a clear view of its impact on the overall indicators and take it into account in a way that does not inadvertently advantage or disadvantage providers that choose to opt in to the survey for these courses.

15. We would review and revise the sufficiency tests for student experience once all one-year courses are included in the coverage of the NSS.

Student outcomes

16. In stage one, we proposed that a provider would be treated as having sufficient data for the student outcomes aspect if it has indicators with sufficient coverage and statistical confidence for the continuation measure and at least one other measure. As we set out in paragraph 112, we are now proposing that a provider would need, for at least one mode,

[15] Available at Size and shape of provision data dashboard: Data dashboard - Office for Students.

indicators for continuation, progression and one other of the post-study measures (use of skills, or earnings). As we explain in Proposal 14, we are now proposing the continuation and completion indicators should be reported separately for each mode and level of study.

17. To account for these proposals, we would revise the data sufficiency tests as follows. To have sufficient data to apply for a student outcomes rating, a provider's data would need to meet the tests below for at least one mode of study:

    a. The indicators for continuation that provide sufficiently strong statistical evidence to inform a rating – when the indicators for each level of study within the mode are considered together – represent at least 33 per cent of the provider's students.

    b. The indicators for progression and one other post-study measure represent at least 33 per cent of the provider's students within the scope of the measure (for example, for progression, students living in the UK) and provide sufficiently strong statistical evidence to inform a judgement about performance.

18. In both cases we would use the same statistical confidence test as for NSS indicators: that we have at least 80 per cent confidence that the performance is either materially above, in line with or materially below benchmark (or spans no more than two of these areas).

19. As with the original proposal, these tests could only be applied to publishable indicators, so for progression and use of skills only where the response rate to relevant survey questions is at least 30 per cent.

20. We originally proposed that indicators should represent at least 35 per cent of the provider's students, but we have identified a few providers where students are so evenly split across modes of study that no single mode has 35 per cent of students in it. We are therefore proposing to reduce the percentage of students required in a mode to 33 per cent. If we were to do this, we would still only consider indicators that represent roughly one third of a provider's students, so we do not view this as a substantive change to the original proposal. It could, however, potentially allow some providers to apply for a student outcomes rating that would not have been able to if we applied the original test.

Impact of proposed changes

21. The impact of these changes is that more providers would have sufficient data to be rated for the student experience aspect. Fewer providers would have sufficient data for student outcomes, but those that can apply for a student outcomes rating would have data about both study and post-study outcomes to inform the rating.

22. Previously we estimated that 260 providers would have sufficient NSS data for a **student experience** rating. Using the same dataset, this would increase to 285 using the revised definitions. However, as we explained in the stage one consultation, we will have another year of NSS data available when we begin assessments and we expect statistical confidence in the overall indicators to increase as a result. We also propose to include one-year courses in the NSS. We estimate the combined effect of both of these things would be that up to 100 more providers could have sufficient data to be rated for student experience, so up to 385 in total, leaving around 40 that could not be rated.

23. Previously we estimated that 349 providers would have sufficient data to be assessed for **student outcomes**, and 27 would not. With the proposed changes, we estimate that 317 providers would have sufficient data, and 66 would not. In addition, some providers do not yet have any student outcomes data.

24. As set out in Proposal 2, we would consider the availability of data when scheduling providers for assessment, and we expect this would help to increase the number of providers with sufficient data and that could therefore apply for TEF ratings. For example, we would expect many of the providers that currently do not have sufficient student outcomes data to have sufficient data in future years.

Annex D: Revisions to B3 numerical thresholds

1. This annex provides information on our periodic review of numerical thresholds used in assessing compliance with condition B3. It sets out the rationale for changing numerical thresholds for the following indicators:

    - Continuation, part-time, first degree
    - Continuation, apprenticeship, undergraduate
    - Completion, part-time, first degree
    - Completion, part-time, other postgraduate
    - Completion, part-time, postgraduate research
    - Completion, apprenticeship, undergraduate
    - Completion, apprenticeship, postgraduate

Background

2. Our revised approach to regulating student outcomes was implemented in October 2022. This approach included the introduction of numerical thresholds for specified indicators. We use numerical thresholds to identify providers whose student outcomes may give cause for concern. Outcomes above the numerical thresholds are considered to be meeting the requirements of condition B3.

3. As part of our implementation of the revised condition B3, we said that we would normally review numerical thresholds every four years in line with the TEF cycle. We also stated that we would consult on any proposed changes to numerical thresholds.[16] This is intended to ensure that numerical thresholds remain fit for purpose in allowing us to identify weaker performance while reflecting the overall high quality of the sector as a whole.

4. In line with the stated review periods, we have undertaken a review of numerical thresholds and are proposing changes to the thresholds for certain indicators as part of our stage two consultation into the future quality system. This annex sets outs the approach we have taken in the review and the rationale for the proposed changes to numerical thresholds.

Methodology

5. In stage one of our consultation on our approach to regulating quality, we highlighted that we expected our review of numerical thresholds to be 'light touch', instead of an in-depth review of each threshold.[17] We have therefore carried out a targeted review that allows us to

[16] See 'Analysis of responses to consultation and decisions' (paragraphs 372-376) at Student outcomes - Office for Students.

[17] See Consultation on the future approach to quality regulation - Office for Students, paragraph 102.

respond to changes in sector performance, but remains consistent with the methodology we have previously set out for setting numerical thresholds.[18]

6. Our review has used the most recently available sector data, covering the following years of data:

   - Continuation indicators for full-time or apprenticeship students – 2020-21 to 2023-24 entrants
   - Continuation indicators for part-time students – 2019-20 to 2022-23 entrants
   - Completion indicators for full-time or apprenticeship students – 2017-18 to 2020-21 entrants
   - Completion indicators for part-time students – 2015-16 to 2018-19 entrants.

7. In line with our proposals to use benchmarked data to assess a basket of post-study measures rather than numerical thresholds, we have not reviewed numerical thresholds for the progression indicators.

Identifying thresholds for review

8. The first step in our methodology for setting numerical thresholds is the identification of a starting point, based on the sector overall rate, which drives the remaining analysis for each threshold. For this light-touch review, we focused on indicators where data shows a change to the sector overall rate compared with the value used when thresholds were last set. Our review therefore only includes indicators where the sector overall rate has increased by at least three percentage points since thresholds were last set. We have not included indicators where there has been a decrease in the sector overall rate in our review. We think this is an appropriate approach because:

   - If the overall sector rate has remained stable, the starting point for analysis will remain the same. The starting point value is the data point that is most determinative of the final threshold, and so if this is unchanged it is unlikely that further analysis would result in a different threshold being set.
   - An increase of three percentage points strikes an appropriate balance between identifying where there has been a sizeable change in sector outcomes, while maintaining consistency of threshold values where sector data has remained more stable.

9. Where there has been a decrease in the overall sector rate, we have considered our policy objective of driving improvement in student outcomes. We think that decreasing numerical thresholds would be inconsistent with that policy objective, especially where we have concerns that the decline in sector overall rates correlates to areas of the sector where we have other regulatory concerns, such as subcontracting.

[18] See Setting numerical thresholds for condition B3 - Office for Students.

10. Table D1 sets out: the current threshold value for each indicator; the sector overall rate at the time when the current thresholds were set in 2022; the current sector overall rate; and the change in overall sector rates between 2022 and 2026.

Table D1: Sector overall performance for all continuation and completion indicators

Indicator	Mode and level of study	Current threshold (%)	Sector overall rate 2022 (%)	Sector overall rate 2026 (%)	Change (% points)
Continuation	FT First degree	80	91.1	88.0	-3.1
Continuation	FT Other UG	75	82.4	79.9	-2.5
Continuation	FT UG with PG components	85	96.5	95.2	-1.3
Continuation	PT First degree	55	60.2	59.0	-1.2
Continuation	PT Other UG	55	67.3	68.5	1.2
Continuation	PT UG with PG components	60	67.1	66.9	-0.2
Continuation	FT PG taught masters	80	94.2	94.1	-0.1
Continuation	FT PGCE	85	90.5	90.1	-0.4
Continuation	FT Other PG	80	90.1	90.9	0.8
Continuation	FT PG research	90	96.6	96.7	0.1
Continuation	PT PG taught masters	65	74.8	75.1	0.3
Continuation	PT PGCE	75	85.3	83.3	-2.0
Continuation	PT Other PG	65	77.3	80.0	2.7
Continuation	PT PG research	70	83.8	83.9	0.1
Continuation	APPR UG	70	85.9	90.0	4.1
Continuation	APPR PG	80	88.2	87.6	-0.6
Completion	FT First degree	75	89.4	87.3	-2.1
Completion	FT Other UG	65	77.3	79.0	1.3
Completion	FT UG with PG components	85	95.0	94.6	-0.6
Completion	PT First degree	40	45.9	50.5	4.6
Completion	PT Other UG	55	68.3	68.3	0.0
Completion	PT UG with PG components	60	69.3	55.8	-13.5
Completion	FT PG taught masters	80	95.6	93.9	-1.7
Completion	FT PGCE	85	92.6	92.4	-0.2

Indicator	Mode and level of study	Current threshold (%)	Sector overall rate 2022 (%)	Sector overall rate 2026 (%)	Change (% points)
Completion	FT Other PG	80	90.4	91.0	0.6
Completion	FT PG research	75	91.2	91.3	0.1
Completion	PT PG taught masters	65	75.6	78	2.4
Completion	PT PGCE	75	86.5	87.0	0.5
Completion	PT Other PG	60	76.5	80.0	3.5
Completion	PT PG research	60	71.9	75.1	3.2
Completion	APPR UG	55	68.7	81.4	12.7
Completion	APPR PG	80	N/A	79.7	N/A

Note: 'FT' = 'full-time'; 'PT' = 'part-time'; 'UG' = 'undergraduate'; 'PG' = 'postgraduate'; 'APPR' = 'apprenticeship'

11. By considering this data, we identified the following indicators for further review because there has been an increase in the sector overall rate of at least three percentage points:

    - Continuation, apprenticeship, undergraduate
    - Completion, part-time, first degree
    - Completion, part-time, other postgraduate
    - Completion, part-time, postgraduate research
    - Completion, apprenticeship, undergraduate.

12. We also identified the following additional indicators for review:

    - Continuation, part-time, first degree – We included this indicator in our review to ensure that we have taken a consistent approach to setting numerical thresholds for part-time indicators where one large provider holds a disproportionately high percentage of the sector's students. Having identified the completion indicator for this mode and level of study as being in scope for review, we considered it appropriate to also include the equivalent continuation indicator.
    - Completion, apprenticeship, postgraduate – We included this indicator in our review because we identified that the sector overall rate is below the numerical threshold. When we set this threshold in 2022, the availability of sector data was limited for this indicator. The emergence of further data provides a more accurate picture of the sector overall rate which suggests that a review is required.

13. We have included our detailed analysis for each of these indicators later in this annex.

The review process

14. The next step in our methodology for setting numerical thresholds was to establish the appropriate downward adjustment from the starting point to apply to each indicator. This step included our consideration of student characteristics, and whether there was any observable difference in the outcomes achieved by students with a particular characteristic.

15. We previously identified this through the use of regression analysis which showed where particular student, course or provider characteristics have historically been associated with outcomes that are worse than those of other students, once we have controlled for a range of their other characteristics. We have not reviewed and updated this analysis for use in the current review of thresholds. Instead, we have examined the sector overall data for students with particular characteristics to identify whether there are any observable differences that would indicate that the adjustment applied in 2022 would no longer be appropriate.

16. Our methodology for setting numerical thresholds includes the consideration of any wider policy or contextual factors that may influence the final value of a particular numerical threshold. We have continued to include this step in our analysis for those indicators we identified for review.

17. We also tested whether any further adjustment was needed to a numerical threshold by considering relevant factors such as the prevalence of providers with benchmarks below the proposed threshold value, and whether the proposed threshold proportionately identifies the weakest performance in the sector. As set out in our methodology, we employ an element of regulatory judgement in setting numerical thresholds rather than a fully formulaic approach. This ensures that numerical thresholds meet our regulatory objectives, and that they remain reasonable and proportionate.

Proposed new thresholds

18. Table D2 below shows: the current thresholds (as set in October 2022); the proposed new threshold that we are consulting on; and the change in threshold for those indicators where we are proposing a change.

19. Subject to consultation outcomes, we anticipate that the new set of numerical thresholds would take effect in time for provider selection for the first set of integrated TEF assessments. At the time of writing, we therefore expect that the new thresholds will apply as part of condition B3 from September 2027 but this will be confirmed as part of our decision making in response to the consultation.

Table D2: Proposed changes to numerical threshold used in condition B3

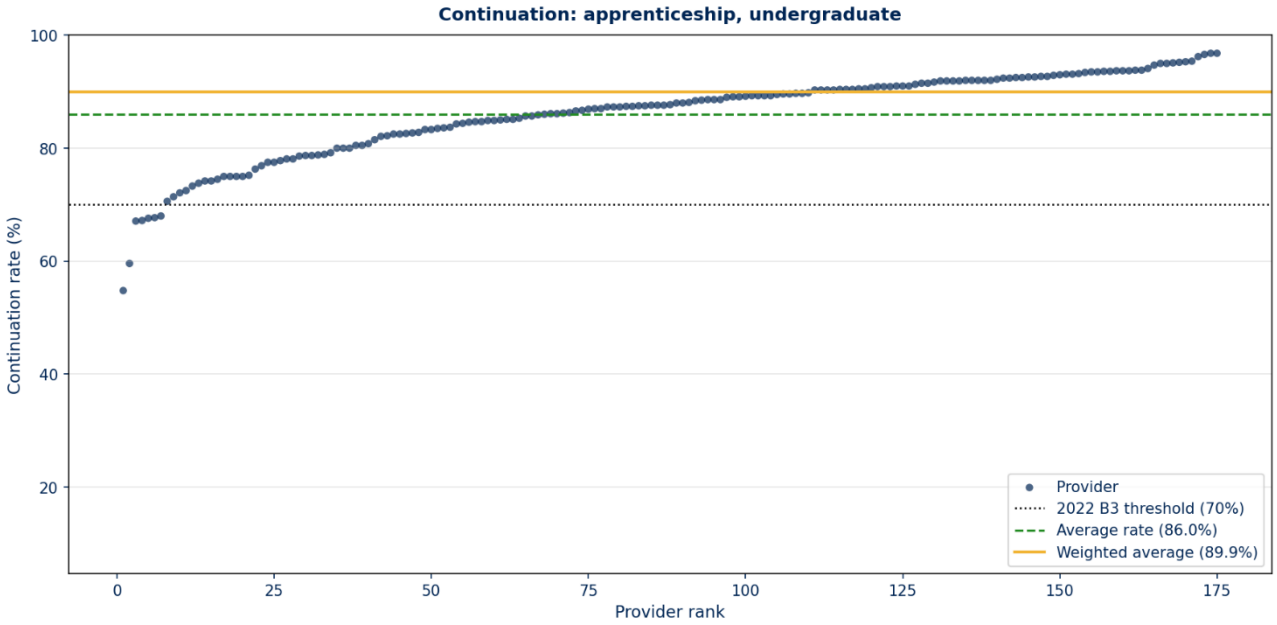
Indicator	Mode and level of study	Current threshold (%)	Proposed threshold (%)	Change (% points)
Continuation	PT First Degree	55	60	+5
Continuation	APPR UG	70	75	+ 5
Completion	PT First Degree	40	60	+20
Completion	PT Other PG	60	65	+5

Indicator	Mode and level of study	Current threshold (%)	Proposed threshold (%)	Change (% points)
Completion	PT PG Research	60	65	+5
Completion	APPR UG	55	70	+15
Completion	APPR PG	80	75	-5

Numerical threshold levels: detailed analysis

1. Continuation, apprenticeship, undergraduate

Sector overall rate: 89.9%



Review of starting point

Starting point at previous review: 80%

Recommended starting point: 85%

Recommended change: +5 percentage points

Analysis

20. We previously applied an adjustment of ten percentage points for this indicator.

21. Our review of outcomes for students with different characteristics found no evidence to suggest a different adjustment should be used. Where there have been changes in continuation outcomes for student with different characteristics, these are either in line with the change in performance that we have observed across the sector as a whole, or are within student groups with very small populations that would be unlikely to have a substantial impact on an individual provider's overall outcomes. The data does not, therefore, suggest that we should implement a different adjustment.

22. We have not identified any relevant policy factors that we propose taking into account when reviewing the numerical threshold for this indicator.

23. Our analysis shows that we should apply a ten percentage points adjustment to reach the proposed numerical threshold for this indicator. We have then tested whether any further adjustment is needed for this indicator by considering the following relevant information.

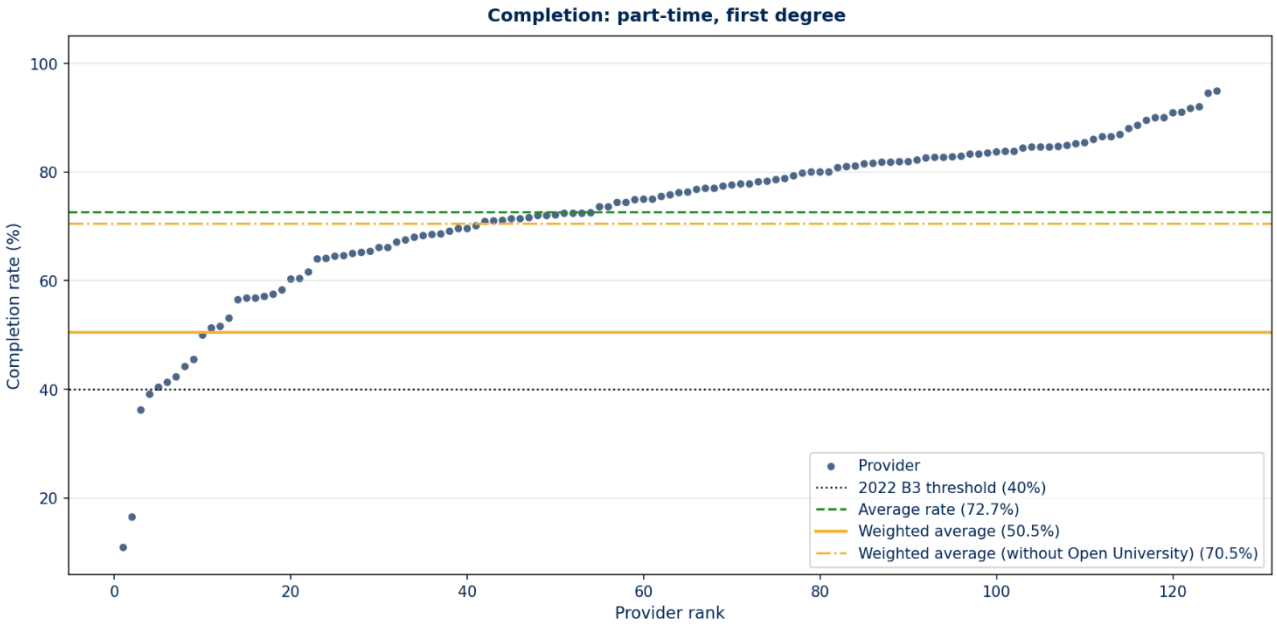
- There would be 16 providers (9.1 per cent) with indicator values below a threshold of 75 per cent. This is consistent with the proportion of providers that would be below threshold in other indicators and suggests a threshold of 75 per cent effectively focuses on weaker performance in the sector.

Summary

Recommended adjustment	10 percentage points
Providers (% and number) with indicator values below recommended threshold	9.1% of providers (16)
Students (%) studying at providers with indicator values below recommended threshold	1.0% of students
Recommended numerical threshold	75%

2. Completion, part-time, first degree

Sector overall rate: 50.5%



Review of starting point

Starting point at previous review: 45%

Recommended starting point: 70%

Recommended change: +25 percentage points

Analysis

24. We previously applied an adjustment of five percentage points for this indicator.

25. Our review of outcomes for students with different characteristics found no evidence to suggest a different adjustment should be used.

26. However, we are proposing to give weight to two relevant policy factors in our review of this indicator:

    - Firstly, we have taken account of the high proportion of students who study at a single provider (71 per cent of the sector's part-time first degree students), where that provider operates with a fully flexible delivery model. Including that provider's outcomes has a significant effect on the sector average. We therefore considered performance both with and without that data when reviewing the threshold. If we were to use data that includes this provider's outcomes to gauge sector performance, this would result in an artificially low numerical threshold that, in our view, does not offer an appropriate marker of weaker performance for other providers offering part-time first degree study. Although we accepted this approach when we initially implemented condition B3 in October 2022, we no longer think that it is appropriate now that we are assessing, and rating, student outcomes for all providers through the cyclical approach to assessment.

- Secondly, we have given significant weight to our overarching policy objective to encourage improvement in outcomes in the sector. Through our integrated approach to quality assessment, we seek to deliver an ambitious system that drives continuous improvement, and we do not think that the current numerical threshold for this indicator is consistent with that aim.

27. We therefore propose to set a starting point for analysis of 70 per cent, based on the weighted sector average without the data for the single provider described in paragraph 26.

28. Our analysis shows that we should apply a 5 per cent adjustment to reach the proposed numerical threshold for this indicator. We have then tested whether any further adjustment is needed for this indicator by considering the following relevant information.

    - The alignment with the numerical threshold we are proposing for the continuation indicator for part-time first degree students, set out below. We are proposing a numerical threshold for continuation of 60 per cent. We think this suggests a numerical threshold for completion of 65 per cent would be too high, because it would not be reasonable for a completion indicator to have a higher threshold than the equivalent continuation indicator.

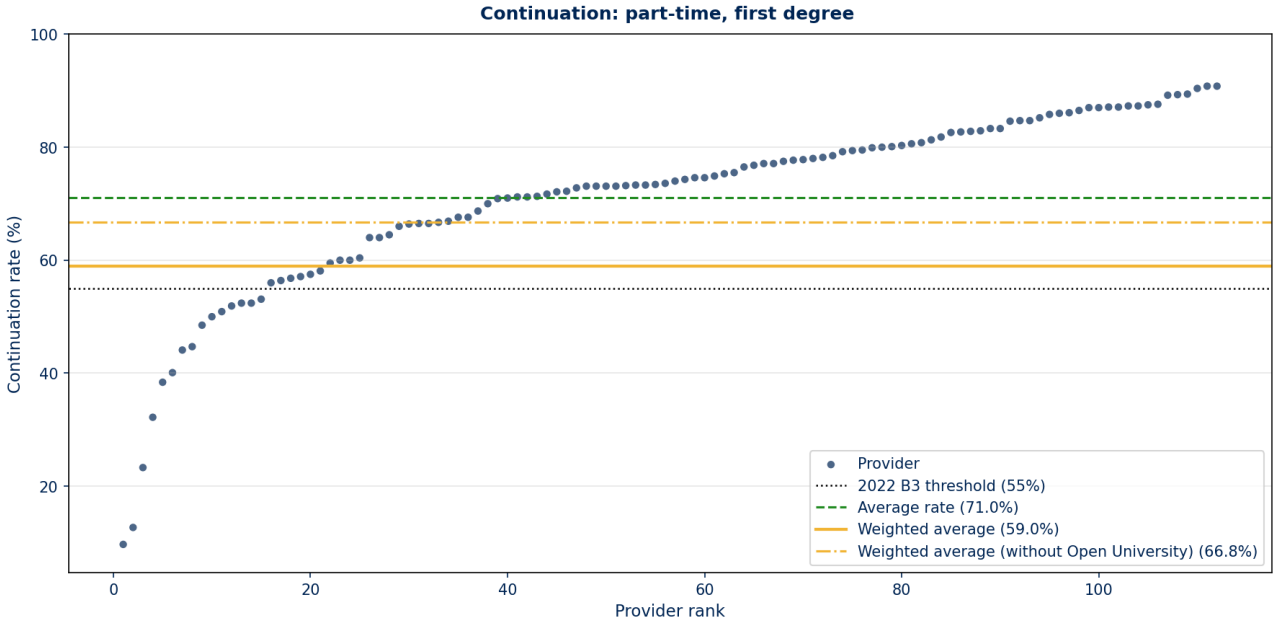
    - There would be 20 providers (15.9 per cent) with indicator values below a threshold of 60 per cent. This is consistent with the proportion of providers that would be below threshold in other indicators and suggests a threshold of 60 per cent effectively focuses on weaker performance in the sector. We are therefore proposing to apply an adjustment of ten percentage points to this indicator, resulting in a proposed numerical threshold of 60 per cent.

Summary

Recommended adjustment	10 percentage points
Providers (% and number) with indicator values below recommended threshold	15.9% of providers (20)
Students (%) studying at providers with indicator values below recommended threshold	87.6% of students
Recommended numerical threshold	60%

3. Continuation, part-time, first degree

Sector overall rate: 59.0%



Review of starting point

Starting point at previous review: 60%

Recommended starting point: 65%

Recommended change: +5 percentage points

Analysis

29. We previously applied an adjustment of five percentage points for this indicator.

30. As with the completion indicator for part-time first degree students, we are proposing to prioritise our consideration of relevant policy factors to take account of the high proportion of students who study at a single provider (71 per cent of the sector's part-time first degree students), where that provider operates with a fully flexible delivery model. We therefore propose to set a starting point for analysis of 65 per cent, based on the weighted sector average without the data for the large provider.

31. Our review of outcomes for students with different characteristics found no evidence to suggest a different adjustment should be used. Where there have been changes in continuation outcomes for student with different characteristics, these are in line with the limited change in performance that we have observed across the sector as a whole.

32. Our analysis shows that we should apply a five percentage points adjustment to reach the proposed numerical threshold for this indicator. We have then tested whether any further adjustment is needed for this indicator by considering the following relevant information:

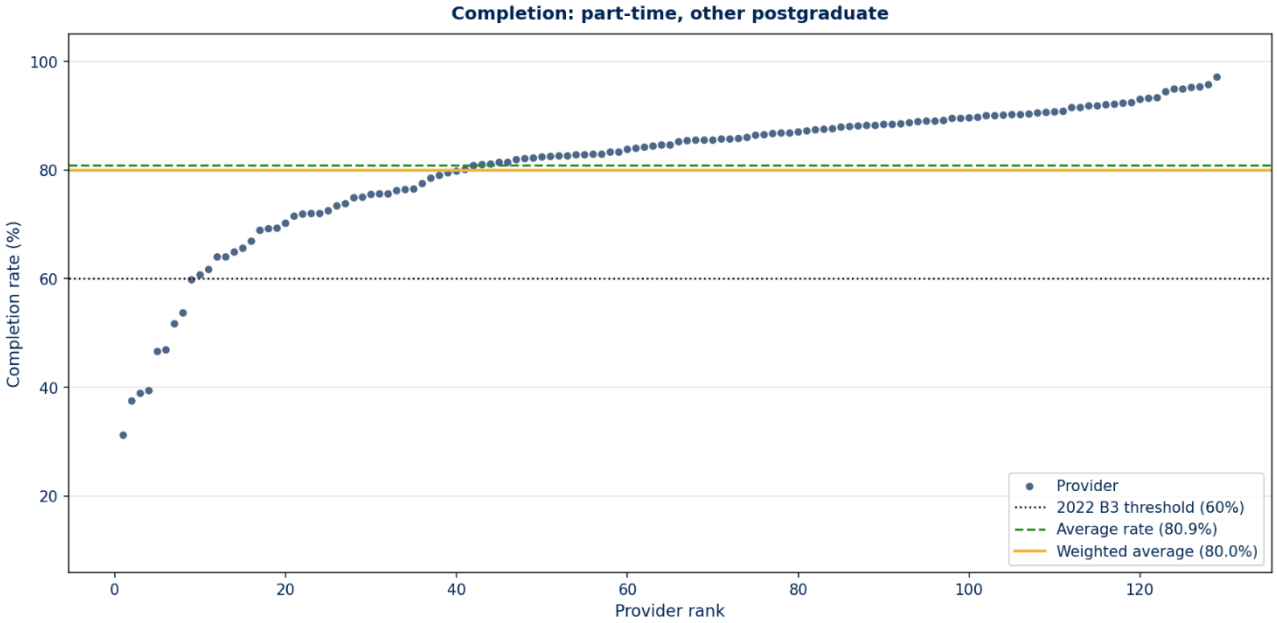
- There would be 23 providers (20.4 per cent) with indicator values below a threshold of 60 per cent. This is consistent with the proportion of providers that would be below threshold in other indicators and suggests a threshold of 60 per cent effectively focuses on weaker performance in the sector.

Summary

Recommended adjustment	5 percentage points
Providers (% and number) with indicator values below recommended threshold	20.4% of providers (23)
Students (%) studying at providers with indicator values below recommended threshold	90.8% of students
Recommended numerical threshold	60%

4. Completion, part-time, other postgraduate

Sector overall rate: 80.0%



Review of starting point

Starting point at previous review: 75%

Recommended starting point: 80%

Recommended change: +5 percentage points

Analysis

33. We previously applied an adjustment of ten percentage points for this indicator.

34. Our review of outcomes for students with different characteristics found no evidence to suggest a different adjustment should be used. Where there have been changes in completion outcomes for student with different characteristics, these are either in line with or greater than the change in performance that we have observed across the sector as a whole, and would be unlikely to have a negative impact on an individual provider's overall outcomes. The data does not, therefore, suggest that we should implement a different adjustment.

35. We have not identified any relevant policy factors that we propose taking into account when reviewing the numerical threshold for this indicator. There is not the same concentration of part-time students at a single provider for this level of study that there is for other levels of study.

36. Our analysis shows that we should apply a ten percentage points adjustment to reach the proposed numerical threshold for this indicator. We have then tested whether any further adjustment is needed for this indicator by considering the following relevant information:

- There would be 19 providers (14.6 per cent) with indicator values below a threshold of 70 per cent. This is consistent with the proportion of providers that would be below threshold in other indicators and suggests a threshold of 70 per cent effectively focuses on weaker performance in the sector.

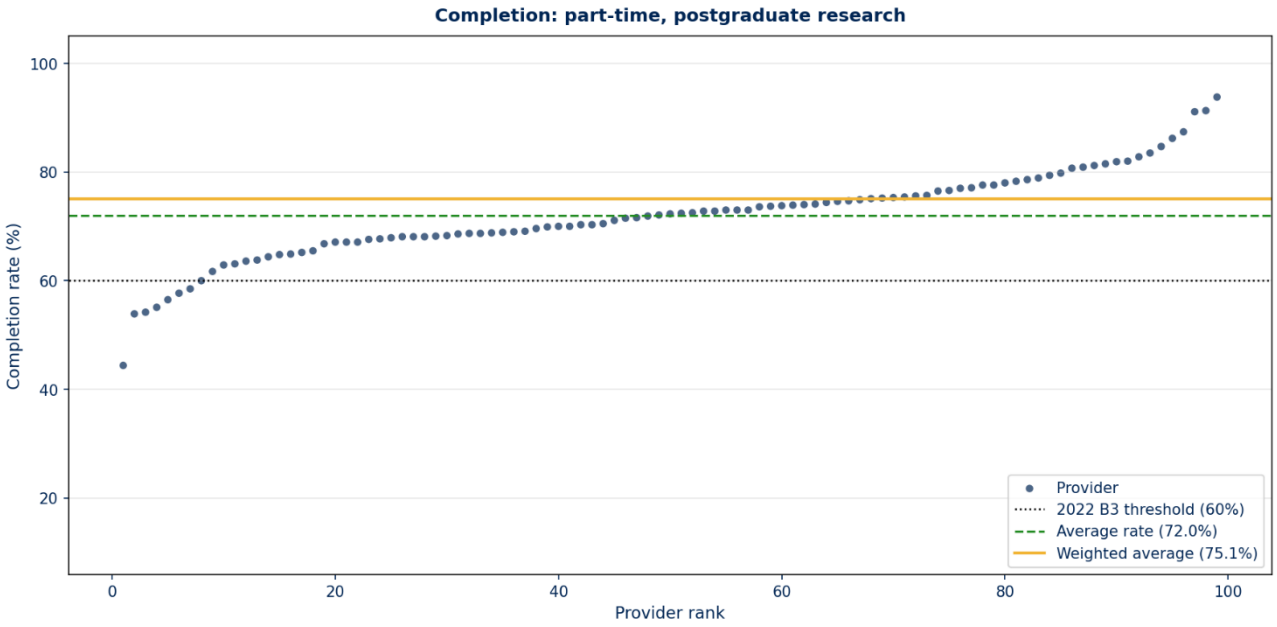
- However, we have noted that the continuation indicator for this mode and level of study is currently 65 per cent, and we are not proposing to review this indicator. We do not think it is appropriate for a completion indicator to be higher than the equivalent continuation indicator, and therefore recommend a further adjustment, with a proposed threshold of 65 per cent. There would be 14 providers (10.8 per cent) with indicator values below a threshold of 65 per cent.

Summary

Recommended adjustment	15 percentage points
Providers (% and number) with indicator values below recommended threshold	10.8% of providers (14)
Students (%) studying at providers with indicator values below recommended threshold	4.3% of students
Recommended numerical threshold	65%

5. Completion, part-time, postgraduate research

Sector overall rate: 75.1%



Review of starting point

Starting point at previous review: 70%

Recommended starting point: 75%

Recommended change: + 5 percentage points

Analysis

37. We previously applied an adjustment of ten percentage points for this indicator.

38. Our review of outcomes for students with different characteristics found no evidence to suggest a different adjustment should be used. Where there have been changes in completion outcomes for student with different characteristics, these are either in line with or greater than the change in performance that we have observed across the sector as a whole, and would be unlikely to have a negative impact on an individual provider's overall outcomes. These changes do not, therefore, suggest that we should implement a different adjustment.

39. We have not identified any relevant policy factors that we propose taking into account when reviewing the numerical threshold for this indicator.

40. Our analysis shows that we should apply a ten percentage points adjustment to reach the proposed numerical threshold for this indicator. We have then tested whether any further adjustment is needed for this indicator by considering the following relevant information:

    - There would be 16 providers (16 per cent) with indicator values below a threshold of 65 per cent. This is consistent with the proportion of providers who would be below threshold

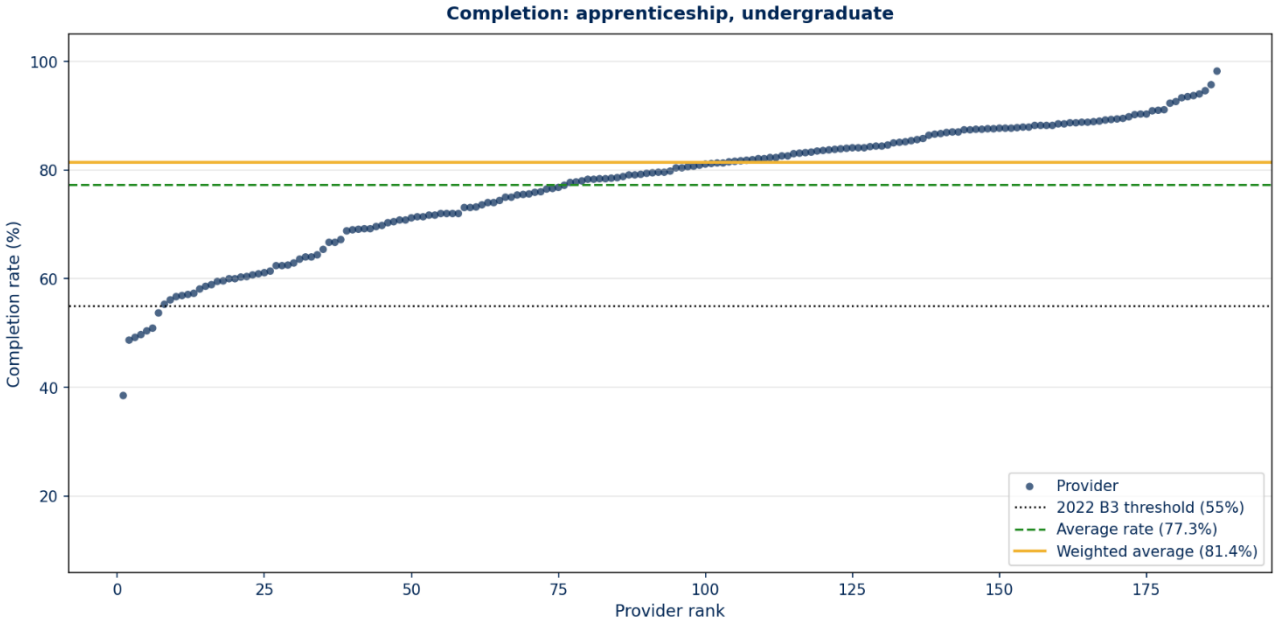
in other indicators and suggests a threshold of 65 per cent effectively focuses on weaker performance in the sector.

Summary

Recommended adjustment	10 percentage points
Providers (% and number) with indicator values below recommended threshold	16.0% of providers (16)
Students (%) studying at providers with indicator values below recommended threshold	4.4% of students
Recommended numerical threshold	65%

6. Completion, apprenticeship, undergraduate

Sector overall rate: 81.4%



Review of starting point

Starting point at previous review: 65%

Recommended starting point: 80%

Recommended change: +15 percentage points

Analysis

41. We previously applied an adjustment of ten percentage points for this indicator.

42. Our review of outcomes for students with different characteristics has identified observable differences that would suggest an adjustment of five percentage points would be more appropriate for this indicator, because:

    - The majority of split indicators for students with different characteristics are within five percentage points of the sector overall performance.
    - Where there are observable differences greater than five percentage points, these mostly apply to student groups with stronger outcomes than the sector overall performance.
    - While we have noted an observable difference in outcomes for students aged 51 or over on entry, where outcomes are 13.6 percentage points below the sector overall rate, the split indicator covers two per cent of the sector's students and is therefore, in our view, unlikely to have a material impact on an individual provider's overall performance.

43. We have not identified any relevant policy factors that we propose taking into account when reviewing the numerical threshold for this indicator.

44. Our analysis shows that we should apply a five percentage points adjustment to reach the proposed numerical threshold for this indicator. We have then tested whether any further adjustment is needed for this indicator by considering the following relevant information:

- There would be 65 providers (34.6 per cent) with indicator values below a threshold of 75 per cent. This is higher than the proportion of providers that would be below threshold in other indicators and suggests a threshold of 75 per cent would be too high.

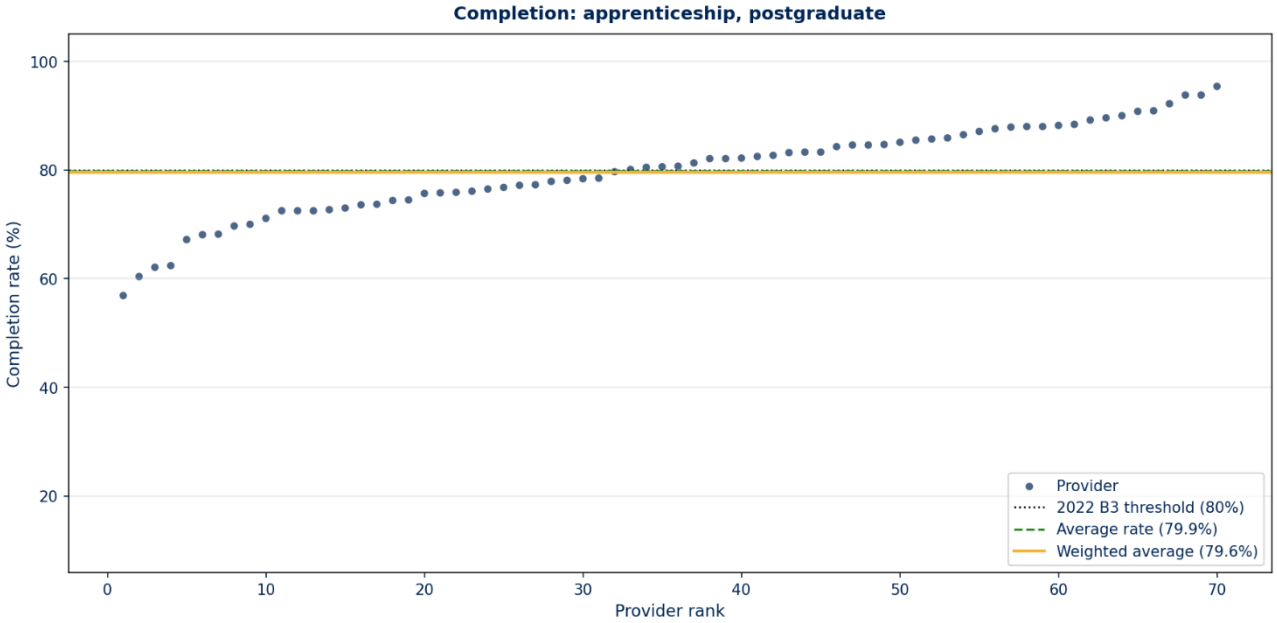
- There would be 45 providers (23.9 per cent) with indicator values below a threshold of 70 per cent. This remains one of the higher proportions of providers that would be below threshold in other indicators, but we have also considered that this represents a much smaller proportion of the sector's student population for this indicator, with 5.8 per cent of students studying at a provider with indicator values below a threshold of 70 per cent. This suggests a threshold of 70 per cent effectively focuses on weaker performance in the sector.

Summary

Recommended adjustment	10 percentage points
Providers (% and number) with indicator values below recommended threshold	23.9% of providers (45)
Students (%) studying at providers with indicator values below recommended threshold	5.8% of students
Recommended numerical threshold	70%

7. Completion, apprenticeship, postgraduate

Sector overall rate: 79.6%



Review of starting point

Starting point at previous review: N/A

Recommended starting point: 80%

Recommended change: N/A

Analysis

45. We previously used our regulatory judgement to identify the numerical threshold for this indicator because of insufficient sector data. With the increased availability of data, we have recognised that the numerical threshold is higher than the sector average performance and that it would therefore be appropriate to review this threshold.

46. Our review of outcomes for students with different characteristics found no evidence to suggest an adjustment greater than the expected five percentage points would be more appropriate. Where greater differences in outcomes between students with different characteristics have been observed, the student population has been small and therefore unlikely to materially affect a provider's ability to deliver completion outcomes above the numerical threshold.

47. We have not identified any relevant policy factors that we propose taking into account when reviewing the numerical threshold for this indicator.

48. Our analysis shows that we should apply a five percentage points adjustment to reach the proposed numerical threshold for this indicator. We have then tested whether any further adjustment is needed for this indicator by considering the following relevant information:

- There would be 19 providers (26.8 per cent) with completion outcomes below a numerical threshold of 75 per cent. If the numerical threshold were left unchanged at 80 per cent, there would be 33 providers (46.5 per cent) below threshold. We consider this suggests that a threshold of 80 per cent would be too high and supports our recommendation for a reduction.

Summary

Recommended adjustment	5 percentage points
Providers (% and number) with indicator values below recommended threshold	26.8% of providers (19)
Students (%) studying at providers with indicator values below recommended threshold	14.4 % of students
Recommended numerical threshold	75%

Annex E: Definitions of new post-study measures

1. Following our stage one consultation, we decided to introduce two additional post-study measures to supplement the progression measure: use of skills and earnings.

2. We said that we would benchmark the indictors for these measures to take account of the effect on a provider's outcomes of student characteristics, course characteristics (such as subject), and regional variations. We set out in Part 4.9 of the draft guidance the specific benchmarking factors we propose to use. Our benchmarking analysis is also set out in a separate document, published alongside the draft guidance.

Use of skills

3. We decided following the stage one consultation to introduce a measure of whether graduates are currently using the skills they have developed through their higher education, to reflect a broader view of what represents a positive outcome for students. The data source for this would be responses to the Graduate Outcomes (GO) survey, which asks graduates about their current activities approximately 15 months after completing their course. Specifically, we said that we would use positive responses to the question:

   'I am utilising what I learnt during my studies in my current activity/study/work'

Graduates we would include in the measure

4. We are proposing to include responses only from graduates who live in the UK in the use of skills measure. This would mean the population is consistent with that used for the progression measure. As explained in the consultation document, this is because response levels to the GO survey from graduates who are overseas are lower than from those in the UK and including them would have a negative impact on the level of statistical confidence in the indicators. This would make it more difficult to draw meaningful conclusions about them.

Definition of a positive outcome

5. For this measure, we would treat responses of 'Agree' or 'Strongly agree' as positive outcomes. We do not consider it appropriate to treat neutral responses of 'Neither agree not disagree' positively as these do not give a clear indication that the graduate, in their own view, is currently using what they learned.

6. We have carried out analysis to understand how responses to the question differ across the different main activities reported by graduates. This shows that, across all the main activities, there are graduates who say they are using their skills and graduates who say they are not. We therefore propose to treat responses of 'Agree' or 'Strongly agree' as positive outcomes, regardless of the activity the graduate was undertaking.

Earnings

7. The second additional measure we decided to introduce following the stage one consultation was a measure of earnings. We said that we would use the LEO data to produce indicators for this measure. This data joins education and tax records to allow us to see what graduates from individual providers go on to earn.

Graduates we would include in the measure

8. We propose to include graduates who appear in the LEO data as in paid employment three years after graduation. This recognises that it can take time for graduates to establish their careers and increase their earnings. As this measure is intended to supplement the progression measure, it also provides a longer-term view of graduate outcomes. For example, a graduate who was not employed at the point of the GO survey, but was earning above the national average two years later, would be counted positively in this measure.

9. We would also include students who are studying three years after graduation, as this would be consistent with our approach in the progression measure, where we treat further study as a positive outcome.

10. For graduates with earnings recorded three years after graduation, we propose to include those with Pay as You Earn (PAYE) records who were in sustained employment, as well as those who completed a self-assessment tax return in the relevant year. We would use the same definition of sustained employment as the DfE uses in its graduate labour market publications.[19]

11. We considered excluding those with very low earnings, as this would indicate that that work was not their main activity during the year. However, the data did not suggest any clear place to make a distinction, which means any distinction would be artificial and have unintended consequences. In addition, those with very low earnings only made up a small proportion of the total, just 2 per cent of graduates had earnings of less than £5,000, which suggests this extra complexity is not warranted. We therefore propose not to exclude any graduates due to low earnings.

12. We considered including all graduates in the measure, so that graduates with no earnings for the year and who were not studying would be included and would count negatively. We do not think this is appropriate because evidence shows that graduates not in paid employment are often engaged in other positive activities, such as caring responsibilities, rather than seeking work. We therefore propose to exclude non-earners from the measure so they would not count negatively.

13. At the same time, we do not think we should include graduates who were only employed for a small part of the year, given the limited evidence we have for them. They would either count positively based only on a small snapshot of earnings or count negatively when (as with those with no earnings) they might have been doing other positive things. For this reason, we propose to include only those in sustained employment. As we cannot determine the length of time that self-employed graduates worked from self-assessment records, we cannot apply the same restriction to that group and therefore propose to include all graduates who submitted a self-assessment return.

Definition of a positive outcome

14. We would calculate earnings as follows. For those with PAYE employment records who have worked the full year and those with self-assessment records, we would use actual earnings. For those with PAYE records who can be considered to be in sustained employment, but

[19] Definitions are available at Graduate labour market outcomes (LEO): methodology - Explore education statistics - GOV.UK.

haven't worked the full year, we would scale up their earnings to give the equivalent of an annual salary for the job they are doing. We would compare earnings to a threshold representing national average earnings, so using the annual equivalent is more likely to result in a graduate who has been earning for most of the year counting positively.

15. We are proposing to treat graduates as positive under this measure if:

    a. They earn above a specific threshold in any of the first three years after graduation, or

    b. They are studying for a higher education qualification in the third year after graduation.

16. This means graduates are counted positively if they earn above a specific threshold in any of the first three years after graduation, rather than focusing on earnings in year three alone. The Institute for Fiscal Studies recommended considering the highest earnings between three and five years after graduation for regulatory purposes. In our view, three years strikes a better balance between allowing graduates time to establish themselves in employment and ensuring the measure remains relevant to the provision currently being delivered. However, our analysis shows that there are some graduates who earn more in years one or two than in year three. This is likely to be due to changes in working patterns, career choices or personal circumstances. We consider that using the highest earnings recorded in the three-year period provides a fairer picture of graduate success, by helping to reduce the impact of these factors. It also partly mitigates limitations in the LEO data, which does not identify whether graduates work full-time or part-time. Our analysis suggests this approach particularly increases the number of female graduates that would be treated as a positive outcome, compared to only considering earnings in year three.

17. Graduates who were studying for a higher education qualification in the third year of study would also be counted positively for this measure. Previous study completed before the year the measure is focused on – the third year of study – would not contribute to whether the graduate is counted positively or negatively towards the measure. This is because we consider that graduates who started a higher education qualification in an earlier year, but had low earnings in the third year, do not have sufficient evidence that their qualification has brought the necessary benefits to count as a success in this measure. This is not the same situation for earnings, where higher earnings in an earlier year shows that their course has given them the capacity to earn over the threshold, even if other life or career events mean they are now falling below the threshold, perhaps because they are now working part-time.

18. We considered whether we should use an approach that treats earnings as a continuous value but decided a threshold was preferable for both policy and practical reasons. Using a threshold means that very high earners are treated the same as those who are in jobs that could be considered socially important, such as teachers and nurses, who earn above the national average but not as highly. It also means that we can use a consistent benchmarking approach to other measures, whereas using a continuous value would require a more complex benchmarking method that would be more difficult to implement and understand.

19. The threshold we are proposing to use is national average earnings for 25-29 year olds, as most graduates in the population for this measure fall into that age band. The average we would use is national median earnings for graduates and non-graduates in each year. We would include non-graduates to recognise that graduates compete in the same labour market

as non-graduates and earning above the national average would indicate that a graduate is doing relatively well. In 2023-24, this was £29,300.

20. We considered using different thresholds for different geographic areas but, for simplicity and consistency with other measures, decided it would be preferable to use a single threshold and take account of regional variations in earnings through benchmarking.

Annex F: Alternative options considered

Introduction

1. In developing the proposals set out in this consultation, we considered a number of alternative approaches to assessing and recognising quality in higher education. This annex summarises the principal alternatives considered and the reasons why we are proposing a different approach.

Mandatory participation in TEF for all providers

2. Following the stage one consultation, our intention was that all registered providers would participate in TEF on a cyclical basis. Under this approach, all providers selected for assessment would be required to seek TEF ratings, and participation would be a requirement of condition B6.

3. Providers with sufficient data would receive ratings based on the full range of evidence used in TEF. Providers without sufficient data would not be assessed or receive ratings. In time we would develop alternative arrangements for providers without sufficient data to support a student experience rating.

4. In developing these proposals, we considered how best to integrate assessment against the minimum quality requirements with TEF, and how both should operate alongside our risk monitoring and investigation activity.

5. We concluded that all providers should be subject to periodic assessment against the minimum quality requirements. This provides assurance that providers continue to satisfy the relevant conditions of registration and creates a common assessment framework across the sector.

6. We considered whether participation in TEF should be mandatory for all providers, and concluded this was not necessary in circumstances where we would be assessing every provider for compliance. We expect that the majority of providers will choose to seek a TEF rating, because of the benefits associated with participation and the value of publicly recognised ratings. However, we do not consider it necessary to require participation in TEF in order to achieve the objectives of the quality system.

7. Through our continued engagement with the sector, including smaller and specialist providers, we have heard that some providers do not consider TEF to be appropriate for their circumstances or do not wish to seek a TEF rating.

8. We have therefore designed an approach in which all providers participate in a common assessment against the minimum quality requirements, while providers that meet the relevant requirements for TEF may choose whether to seek a rating.

9. As we gain experience of operating the integrated quality system and continue to develop our approach to TEF, including considering alternative approaches to generating ratings for different types of provider, we may wish to revisit this position in future.

Risk-based assurance for providers without sufficient data

10. We considered an alternative approach under which providers with sufficient data to support TEF ratings would be required to participate in TEF. Providers without sufficient data to support a student experience TEF rating would instead be subject to a risk-based assessment focused on identifying whether there were concerns about compliance with minimum requirements.

11. Under this approach:

    - providers with sufficient data would receive TEF ratings through a mandatory assessment process
    - providers without sufficient data would undergo a light-touch review of available information
    - where that review identified no significant concerns, no assessment outcome would be published
    - where concerns were identified, we could undertake further assessment activity and reach conclusions about compliance with the minimum quality requirements.

12. This approach would allow us to rule out concerns without undertaking a fuller assessment.

13. We concluded that this approach would not provide an appropriate or consistent level of assurance that all providers continue to meet minimum requirements. Under this alternative model, some providers would only receive an outcome where concerns were identified. It would also rely on the absence of concerns for assurance that requirements continued to be met.

14. We considered that this would create a different regulatory approach for a subset of providers and would weaken the principle that all providers should be assessed through a common quality framework.

15. The approach would also create a distinction between providers receiving published quality outcomes and providers for which no equivalent outcome was available, making it more difficult for students and other stakeholders to understand how quality had been assessed across the sector.

Separate assessment routes for compliance and TEF

16. We considered proposing separate and distinct assessment routes for compliance with the minimum quality requirements and for TEF. Under this approach, providers seeking only to demonstrate compliance with the relevant conditions of registration would participate in a compliance assessment, operating through separate guidance and processes. Providers seeking a TEF rating would participate in a separate assessment process designed specifically for the purposes of TEF.

17. This would have some potential advantages, with a clear separation of compliance from TEF. As we considered this approach we found there would be operational complexities and it would not provide an integrated approach to quality assessment, which has been a fundamental aim of the reform of the quality assessment system.

Annex G: Matters to which we have had regard

The OfS's general duties

1. In setting out the proposals in this consultation, we have had regard to its general duties as set out in Section 2 of the Higher Education and Research Act 2017 (HERA). These are:

    a. the need to protect the institutional autonomy of English higher education providers,

    aa. the need to promote the importance of freedom of speech within the law in the provision of higher education by English higher education providers,

    ab. the need to protect the academic freedom of academic staff at 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.

        ii. targeted only at cases in which action is needed.

2. In making our proposals, we have given particular weight to (b), (e), (f) and (g). A summary of our reasoning is set out in paragraphs 3 to 16 of this annex.

3. Our general duty to have regard to the need to promote quality, and greater choice and opportunities for students, underpins the proposals that we have set out. The decisions we have taken following the stage one consultation, and the proposals in this consultation for the development of the future quality system, are intended to enable us to better achieve our aims for the quality system to:

    a. Ensure that students benefit from high-quality and continuously improving provision.

    b. Provide clear information about the level of quality delivered by different providers to help inform student choice.

c. Support and incentivise providers to deliver the highest levels of quality for their students, and ensure improvements are made where quality falls short.

4. In general, we have made proposals that we consider will deliver our primary aim of driving improvement across the sector, for the benefit of all students, wherever they are studying.

5. We consider that our proposals concerning the alignment of the assessment criteria with revised B conditions and the strengthening of incentives and consequences for assessment outcomes, including TEF ratings, will help deliver our aims of encouraging providers to deliver high quality materially above our minimum requirements and for growth in student recruitment to take place at high-quality providers. We also consider that our publication of the proposed criteria would promote quality and student awareness of our assessment of quality, so that more students benefit from high-quality provision.

6. We have had regard to the need to support greater student choice in terms of a diverse range of providers, courses and means of delivery, through taking forward an assessment approach that recognises the diversity of provision in the sector and the need for incentives to apply across all of this. Our assessment approach seeks not only to avoid disincentivising delivery of some types of provision or courses, but to achieve improvements in quality across all types of provision, thereby improving the range of high-quality choices that are available to students. We have proposed to place weight on qualitative evidence and external reports for quality in apprenticeship and small or specialist provision, because we think that this will help to ensure that these providers are appropriately represented. We have also made proposals for the assessment of subcontracted and validated partnership provision that we think will ensure that information for students is immediately relevant to the teaching and learning they should expect to experience at a provider.

7. We have also had regard to our duty to support student choice when proposing that all providers will receive a TEF rating or minimum requirements outcome, so that future students can access information about the quality that past students have experienced at any registered provider where they might choose to study.

8. In formulating our proposals, we have had regard to provider autonomy and have proposed that providers will be responsible for selecting the range of evidence that they consider relevant to the quality that their students experience and the format for presenting this evidence. This means that different sizes and shapes of provider will be able to present the evidence most relevant to their individual context. Additionally, in drafting the proposed guidance for providers concerning what we would expect provider student experience submissions to cover, we have had regard to balancing autonomy with our duty to ensure that our regulation is transparent, accountable and consistent.

9. We have considered our general duty to have regard to the need to promote equality of opportunity and consider our proposals for the design of the quality system will support this through:

   a. Explicit consideration of the experience and outcomes of different groups of students, through the continued consideration of ‘split’ indicators for groupings such as disability and combined measures of disadvantage.

b. Ratings criteria, which require that consistent levels of quality are delivered for all student groups and that the provider effectively tailors its academic support to its particular mix of students.

10. Providers will need to demonstrate that they are delivering among the best experience and outcomes in the sector for all their students to gain the highest rating and the associated incentives, and we consider this will incentivise providers to improve the experience and outcomes of all student groups. We have also set out our proposals to deliver greater alignment between the TEF and access and participation plans, which we consider will drive a more coherent and effective approach in both the TEF and access and participation plans.

11. We have sought to design proposals for our future assessment approach that balance consideration of our duty to have regard to the need to use our resources in an efficient, effective and economic way with:

    a. Our duty to promote quality, which is supported by the extension of assessments to all registered providers.

    b. Recognition of the diversity of the sector and institutional autonomy, and the need to vary our assessment approach if we are to effectively assess all providers.

12. We think our proposals represent an efficient way to assess providers effectively, while reducing burden and cost on the sector, and on us, wherever possible. We have designed the proposed assessment processes to be risk-based and minimise the duplication of burden, for providers and us, including in areas such as apprenticeship and higher technical qualification (HTQ) provision, while ensuring that the system has broad coverage of diversity in the sector. We also consider that our proposed approaches to assessment visits and representations have appropriately balanced the need to use our resources in an efficient, effective and economic way with our intention to create a robust, accountable system.

13. We have taken forward the principle applied in the stage one consultation and decisions that we should reduce burden, cost and complexity where it is appropriate in the making our proposals.

14. In designing proposals for the next steps for the future system, we have considered the principles of best regulatory practice, including the principles that regulatory activities should be:

    - transparent, accountable, proportionate and consistent

    - targeted only at cases in which action is needed.

15. This has been particularly relevant when considering how we should integrate our quality assessment activities. Our proposals set out how we will operate assessments with further engagement, investigation or regulatory action where concerns or increased risks to quality are identified, either before or after a scheduled assessment. We have set out proposals that we consider would give transparency around when and how providers are scheduled for assessment and ensure that providers receive sufficient advance notice of their assessment. We have also set out how we will target our use of assessment visits to address risk.

16. We have drafted guidance concerning the practicalities of assessment and applying for TEF ratings, including assessment cycles, visits, benchmarking, criteria, assessment methodologies and page limits. We will publish this guidance for consideration alongside this consultation. By inviting comments on the draft guidance in our consultation process, we aim to ensure that the development of the finalised system is transparent, accountable, proportionate and consistent.

17. We have also considered the duty to have regard to the need to encourage competition between providers where this is in the interests of students. We consider that providers being able to apply for a TEF assessment and gain access to the proposed incentives for Silver and Gold TEF ratings will encourage competition by rewarding providers that deliver high-quality courses.

18. We have also had regard to our general duty relating to value for money, and consider that improvements in the quality of the student experience and outcomes across the higher education sector will result in better value for money for students and taxpayers. Our proposals include the use of a broader set of employment and further study indicators in our assessments. This would help ensure that assessments take account of a wider range of positive outcomes that students may achieve through higher education, creating incentives for providers to improve performance across a broader range of areas that matter to students and deliver value for money for them.

19. We have also had regard to our general duties to promote freedom of speech and secure academic freedom, but consider these to be less pertinent to our proposals.

The public sector equality duty

20. 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.

21. Our proposals aim to ensure that all students, whatever their background and characteristics, receive a high-quality student experience and achieve positive outcomes. By designing the ratings criteria in a way that requires providers to demonstrate consistently high levels of quality for all student groups to gain the highest ratings, we hope to incentivise improvements for groups that typically experience less good experience and outcomes.

22. Through this consultation we are seeking views on any unintended consequences of our proposals, for example for particular types of provider or student groups. 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.

Guidance issued by the Secretary of State

23. We have had regard to guidance issued to the OfS by the Secretary of State under Section 2(3) of HERA.

24. We will have regard to any further guidance from the Secretary of State once issued.

The Regulators' Code

25. We have had regard to the Regulators' Code and consider Section 1 and Section 3 to be particularly relevant to our proposals:

    a. Section 1 says that regulators should carry out their activities in a way that supports those they regulate to comply and grow, including using proportionate approaches and avoiding unnecessary burdens.

    b. Section 3 discusses the need to base regulatory activities on risk.

26. Our proposals for the methodology of the future quality system represent a risk-based approach, with regulatory activity increased where risk is greatest, and we have sought to design future assessments in a way that streamlines what is required of providers while ensuring the system drives improvements in quality across the sector.



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