

# **The Teaching Excellence Framework (TEF)**

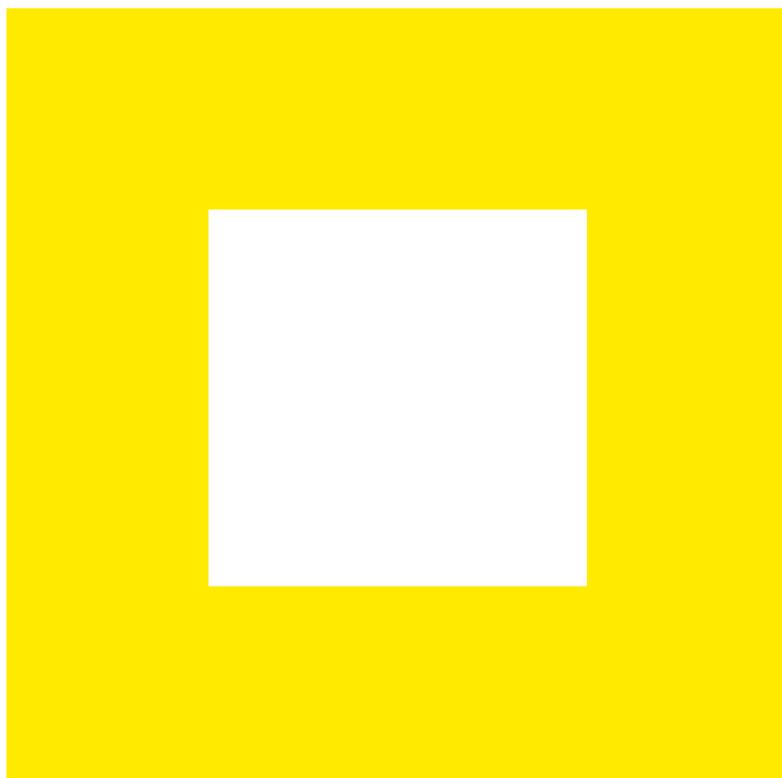
## **Analysis of consultation responses**

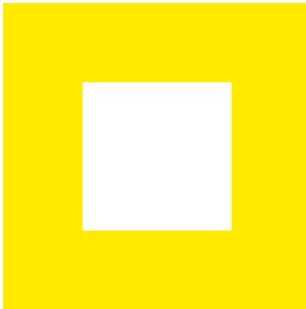
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**Report by Alma Economics to the OfS**

**July 2022**

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## About the authors



Alma Economics combines unparalleled analytical expertise with the ability to communicate complex ideas clearly.

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## About the commissioning organisation



This independent analysis was commissioned by the Office for Students (OfS). The OfS is the independent regulator of higher education in England. The analysis and findings are those of the authors and do not represent the views of the OfS.

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# Executive summary

## Background

In January 2022, the Office for Students (OfS) published a consultation setting out the proposed new approach to the Teaching Excellence Framework (TEF). The TEF is a national scheme that promotes excellence in teaching, learning and outcomes above the minimum requirements for quality and standards imposed by the OfS.<sup>1</sup> The TEF consultation comprises 15 proposals on the design of the new TEF covering its framework, scope, the evidence that would be used, the assessment, the publication of outcomes, and the implementation of the scheme.

The consultation sought views from anyone interested in the regulation of the higher education sector. It received a total of 239 responses, 97% of which were submitted through the online portal. Out of those received through the online portal, 92% declared responding on behalf of an organisation and 79% described themselves as employees of a higher education provider.

Alma Economics was commissioned by the OfS to analyse all responses to the consultation and produce a comprehensive summary of respondent views. Responses were analysed using a mix of quantitative analysis (where summary statistics were calculated for closed questions) and qualitative analysis (where open-ended responses were read in full and analysed using thematic analysis). This report describes the outcomes of the quantitative and qualitative analysis of responses.

## Key findings

Most of the questions of the consultation initially asked whether the respondent agreed with the proposal in question or specific aspects of it. The available options for respondents were: strongly agree, tend to agree, tend to disagree, strongly disagree, and don't know or prefer not to say. The most common answer in the majority of questions was a tendency to agree (in 12 out of 15 questions with a quantitative element). In contrast, in one question the most common answer was a tendency to disagree, and in two questions a strong disagreement was the most prevalent response.

While there was no question where the most common answer was a strong agreement, there were numerous proposals in which the options 'strongly agree' and 'tend to agree' were chosen by more than 75% of respondents. Those questions referred to the proposals for (i) provider-level, perioding ratings, (ii) the aspects and features of assessment, (iii) the provider submission, (iv) the student submission, (v) the expert review, and (vi) the communication of ratings by providers. On the other hand, there was a disagreement among the majority of respondents about the proposed approach that should be followed where there is an absence of excellence (46% of respondents chose the 'strongly disagree' option, and 28% the 'tend to disagree' option), and the proposal for the timing of the next TEF exercise (with 67% of respondents strongly disagreeing, and 18% tending to disagree).

## Overarching themes

The qualitative analysis of open-ended responses revealed a set of overarching themes, which were common across a number of questions, including: (i) requests for additional clarity, (ii) concerns about timelines and additional regulatory burden, (iii) concerns about the TEF rating scheme, (iv) concerns

<sup>1</sup> The consultation document can be accessed here:

<https://www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/the-tef/>



about the impact of the TEF framework on inequality and diversity, and (v) suggestions on how to ensure consistency and transparency in TEF panel assessments. A description of each of these themes is provided below.

The results of the qualitative analysis are focused on areas of improvement, as suggested by respondents. This is because comments were disproportionately related to aspects of the proposals that respondents disagreed with or had concerns about, even when they broadly or partly agreed with the proposals.

## Requests for additional clarity

The most frequently repeated theme across questions was a request for additional clarity on several aspects of the proposals. Depending on the proposal in question and the specific parts of the proposal considered, the discussion focused on different aspects about which respondents would like to have more information, including, among others:

- the interconnection between the TEF ratings and the baseline quality and standard requirements (mainly the B3 requirements),
- the decision-making process, particularly in relation to how the panels will be comprised and how they will operate, the representations to be made by providers and the communication of the ratings,
- the definition and measurement of educational gain,
- the fee level that could be charged by a provider choosing not to participate in the TEF or receiving a 'requires improvement' judgement, and
- the student submission, particularly regarding who would be responsible for producing the student submission and whether there would be compensation for students' time.

## Concerns about timelines and additional regulatory burden

Another overarching theme across questions and responses was a discussion about the timelines proposed and the additional regulatory burden that they may impose on providers, with some respondents focusing on the impact on smaller providers. Respondents were concerned about the duplications across regulatory exercises or about the overlaps in timelines with other regulatory exercises and the resulting difficulty in completing the TEF within the timeframe set out in the proposal. Some respondents raised points on how the TEF might disproportionately burden smaller or specialised institutions, both in filing provider submissions and supporting students with their submissions, compared to larger institutions with additional resources. Finally, some respondents suggested delaying or staggering submission timelines for TEF as a solution to the above issues.

## Concerns about TEF rating scheme

A concern voiced in multiple questions referred to the TEF rating scale and how the targeted audiences might misinterpret the suggested ratings and categories. Many of the respondents that discussed this issue argued that the names used within the scale miscommunicated teaching quality. There was greater concern about the TEF category 'requires improvement.' Some respondents interpreted this category to mean providers reaching the minimum threshold of excellence and were concerned that the proposed name of the category does not portray this. Moreover, even though the definitions of 'requires improvement' in the TEF and Ofsted schemes differ, respondents were also worried that stakeholders would associate the two terms, and therefore, the TEF category would negatively impact providers. Based on this concern, some respondents stated that a new term should

replace 'requires improvement' to make this TEF category distinct from the Ofsted rating. Some respondents also raised concerns that the term 'requires improvement,' as currently defined in the TEF rating scheme, would be especially damaging to providers who would have to carry the rating for a four-year period. Finally, respondents suggested using separate ratings or distinctions for providers who do not meet sector thresholds.

## **Ensuring consistency and transparency in TEF panel assessments**

The next overarching theme refers to the TEF panels that would be undertaking the assessments of institutions. Although, as shown by the quantitative analysis summarised above, respondents broadly supported the proposal for expert review, they were concerned about the implications of the subjectivity of the evidence on panel assessments. Consequently, some suggested that the panel should be trained to make consistent and fair judgements. According to those respondents, any such training and guidance offered to the panel should be shared with providers in advance. Finally, respondents also proposed that the OfS should ensure that panellists will have an appropriate diversity of experience. According to those respondents, the OfS needs to establish the criteria on how the expert panel will be selected and on how diversity will be achieved as well as specifying the skills and aptitudes the OfS is looking for in panellists to reflect diversity in the sector.

## **Concerns about impact of TEF on inequality and diversity**

Some respondents were concerned that the proposed TEF framework may have unintended consequences on disadvantaged students, minimising diversity and equality in higher education. Respondents were concerned that providers might reduce the recruitment of students who require specialised and tailored education in order to improve their performance and TEF ratings. Some respondents were also concerned that low TEF ratings would disproportionately affect institutions with a higher proportion of students from disadvantaged backgrounds and students enrolled in particular modes of study, therefore disproportionately impacting provision for these students. Finally, a diversity-related concern was that smaller and specialist institutions may fail to submit within deadlines owing to limited resourcing or may be exempt from the TEF exercise altogether.

# 1. Introduction

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In January 2022, the Office for Students (OfS) published a consultation on its new approach to the Teaching Excellence Framework (TEF), a national scheme promoting excellence in teaching, learning and outcomes above the minimum requirements for quality and standards imposed by the OfS.<sup>2</sup> The consultation was open until March 2022 and sought views from anyone interested in the regulation of the higher education sector. In parallel with this consultation, two other OfS consultations were taking place focusing on the regulation of student outcomes and the construction of data indicators.<sup>3</sup> This consultation comprises 15 proposals on the design of the new TEF, covering its framework, scope, the evidence that would be used, assessment, publication of outcomes, and implementation.

## Approach to analysis

Alma Economics was commissioned by the OfS to analyse all responses to the consultation and produce a comprehensive summary of respondent views. The consultation includes 15 questions, most of which have the format of Likert scale 'do you agree?' followed by a free text field for respondents to provide reasons and context for their answers.

Closed questions were analysed using quantitative analysis, where summary statistics were calculated by obtaining frequencies and proportions of each option on the Likert scale. These statistics provide a first understanding of respondents' broad views. Qualitative analysis was undertaken for open-text responses, where responses were read in full and analysed using thematic analysis. The latter identifies, analyses and reports patterns in qualitative data ([Braun and Clarke 2006](#)). In addition to capturing key opinions of respondents, the focus of the thematic analysis was on understanding the reasoning behind answers.

Before reviewing the sample of open-text responses, following the approach developed by [Fereday and Muir-Cochrane \(2007\)](#), researchers developed an initial set of themes and ideas based on the consultation document, our understanding of the policy context and the wording of specific questions (the deductive phase), with further themes added as part of the review process (the inductive phase). The review prioritised themes that recurred over multiple responses. During the analysis of open-ended questions, duplicated responses were detected and removed when exactly the same answer was provided multiple times by the same organisation.

This report summarises the themes which researchers identified during the analysis. This means we have focused on the most frequent themes in this summary report and made available analysis of all the points raised by respondents to the OfS. The complete set of themes identified by researchers per question was collected in a final codebook, which was shared with the OfS.

The present report shows the quantitative and qualitative analysis outcomes, with themes emerging from responses presented by order of frequency. It also includes a selection of quotes from respondents, some of which have been edited only to correct spelling or grammatical errors as well as keep respondent identity anonymous, although the meaning of the comments has not been altered.

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<sup>2</sup> The consultation document can be accessed here:

<https://www.officeforstudents.org.uk/publications/student-outcomes-and-teaching-excellence-consultations/the-tef/>

<sup>3</sup> All consultations are available here: <https://www.officeforstudents.org.uk/outcomes-and-excellence/>

## Profile of respondents

Responses to the consultation were submitted through the online portal or sent via email, all of which were reviewed and analysed.<sup>4</sup> In total, 239 responses to the consultation were received, 97% of which were submitted on the online portal. Out of the respondents who submitted their responses through the online portal, 92% declared responding on behalf of an organisation, with the remainder declaring responding on behalf of an individual. In addition, 79% of those respondents described themselves as employees of a higher education provider, 7% as employees of a student representative body and 4% as employees of charities or third-sector organisations. The remaining respondents provided a wide range of descriptions of their functions (19 different descriptions in total), with each description having a low frequency.<sup>5</sup>

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<sup>4</sup> Some of the email responses did not follow the structure of the consultation (that is, they consisted of a consolidated response to the consultation rather than providing a response for each question in the consultation). In these cases, themes were identified and discussed in the most relevant section of the consultation.

<sup>5</sup> These descriptions included, among others: students, representative organisations and trade unions.

## 2. General questions

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### Clarity of proposals

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

#### Interactions between the TEF category of ‘requires improvement’ and the assessment of condition B3

The most frequent theme found in responses was a request for more clarity on the interactions between TEF and condition B3 performance, particularly in relation to the TEF category of ‘requires improvement.’ The main concern was that respondents were unclear whether a ‘requires improvement’ outcome for the TEF would have implications for their condition B3 assessment—that is, whether there would be a feedback loop from the TEF outcomes to the condition B3 assessment.

*Category 4 ‘requires improvement’ appears to contradict the assertion that a registered provider who meets the conditions of registration does meet the requirements of quality and standards set down by the OfS. Does this mean that a provider who has met the requirements of B3 would then be deemed not to have met them if they then received a ‘requires improvement’ TEF assessment? (An employee of a higher education provider)*

*Any relationship between ‘requires improvement’ and changes to the B3 conditions is not transparent. (An employee of a higher education provider)*

#### Request for further information on educational gain

The second most frequent theme in responses concerned the concept of educational gain. Some respondents requested further detail, explanation and guidance on the definition and measurement of educational gain.

*We found the documentation unclear on the definition and approach taken to educational gain. This is confounded by previous national dialogue around TEF that used the term ‘learning gain.’ It would be helpful to have a concise definition and example of what constitutes educational gain along with examples of what it is not, for absolute clarity. If there is an intention for providers to define educational gain in a meaningful and contextualised manner, this needs to be made clearer. (Trustee of a charity)*

*Educational gain is not clear because this is to be defined by each institution—we would like further guidance on OfS expectations of this. (An employee of a student representative body)*

#### Fee levels conditional on TEF participation and outcomes

The next most frequent theme raised in this question concerned the lack of clarity on the fee level that could be charged by a provider choosing not to participate in the TEF or receiving a ‘requires improvement’ judgement. Many respondents argued that the consultation document did not specify whether non-participation in the TEF or a ‘requires improvement’ outcome would result in providers being able to charge fees of £6,000 per annum rather than the £9,000 fee cap.

*We were unclear on reading the description of how TEF awards relate to the charging of fees. It could be read as though a provider choosing not to participate in TEF (due to small numbers) or receiving a 'requires improvement' judgement that it would only be allowed to charge £6,000 rather than the £9,000 fee cap. In the technical document we think you could make the actual situation clearer that you are referring only to the inflationary uplift. (An employee of a higher education provider)*

## Lack of clarity on student submission

Another frequently mentioned theme was the lack of clarity regarding the student submission. Some respondents asked for more clarity regarding who is responsible for producing the student submission and whether there would be compensation for students' time. A few respondents commented that there was a lack of clarity regarding the interaction between student and provider submissions. Additionally, some respondents requested further information on what the student submission should include.

*The independent student submission confuses me as there seems to be a lack of clarity over whose responsibility it would be. Would it be up to the university, the Students' Union or the students themselves to produce it? Also, what compensation for the time and effort of students would be available as expecting them to do this work without any pay or compensation is very unfair. (An employee of a student representative body)*

*There is a lack of clarity regarding the relationship between the provider and student submissions and how they should work together or independently to create these. (An employee of a higher education provider)*

## Regulatory burden

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

### Concerns about the TEF rating scheme, especially about the TEF category 'requires improvement'

The most frequent theme was respondent concerns about the clarity of the TEF rating scale and how different audiences might misinterpret the ratings. Many of the respondents that touched upon this issue supported that the names used within the scale miscommunicated teaching quality. For example, many respondents suggested that using the TEF category 'requires improvement' might lead to misleading conclusions on teaching quality or educational gains. Some respondents suggested using separate ratings or distinctions for providers who do not meet sector thresholds.

*[...] We feel there is significant scope for improving efficiency and effectiveness in several key areas including through reviewing the ratings scheme terminology to avoid misleading messages about provider performance. (An employee of a higher education provider)*

*We believe the ratings are too simplistic. There is no grade for 'meets baseline requirements,' for example, before you go into 'requires improvement.' We understand a wish for an institutional kite mark and certainly support the raising of quality, but as a classification of teaching excellence, it needs to observe teaching or the name of the award needs changing. (Higher education representative body)*



*The wording of the fourth category, 'requires improvement,' needs careful consideration when considered as public information—the proposed title fails to acknowledge that such a provider has in fact met threshold standards. (An employee of a higher education provider)*

## Concerns about timelines and additional regulatory burden

The next most frequent theme was respondent concerns about TEF timelines and the potential for TEF to create an additional regulatory burden on providers. Respondents were concerned mainly about the overall timeline to prepare TEF submissions and the timeline for TEF in relation to other regulatory activities and student or provider administrative duties. Respondents were also concerned that, depending on the size of the provider and resources available to them, they might not be able to meet the timelines set out in the proposal. Other respondents were concerned that other regulatory obligations or activities running parallel to TEF submissions might cause an additional burden. Respondents also mentioned exam sessions and COVID-19 as a cause for concern. It was argued that providers may not have the capacity to submit TEF in a timely fashion owing to these external factors.

*The timeframe for consultation, implementation and publication of the B3 metrics and guidance is minimal and is particularly challenging for small institutions which undertake the same processes as larger institutions but with fewer resources. The proposed time period of September to November for releasing the B3 data dashboards, analysing the data and formulating responses to an assessment process takes place during a particularly busy period, at the start of the new academic year. (An employee of a higher education provider)*

*There is no efficiency associated with the proposed timeline in this consultation, which takes no account of the regular business of higher education, the current post-COVID environments, the availability of students to participate in the TEF process, and the timing of the Access and Participation Plans and the Research Excellence Framework exercises. (An employee of a higher education provider)*

## Concerns about the volume, complexity and accuracy of the proposed indicators and underlying data

The next most frequent theme related to the number of indicators and how they may complicate TEF as well as concerns about the accuracy of the data used to inform TEF ratings. Some respondents stated that simplifying or reducing the number of indicators would benefit providers collecting the data or panels and stakeholders who would need to interpret and make connections between the different indicators. Respondents also mentioned overlaps in data and indicators used in other regulatory activities as a reason to simplify or reduce the number of datasets used in the TEF. A few respondents were also worried about the accuracy of the data, with a respondent discussing their concerns about the use of Graduate Outcomes (GO) survey data specifically, owing to low response rates and coding errors.

*We think the sheer number of data points to be published will overwhelm the sector and the public. We do believe that some data (mainly for the purposes of B3 regulation) should be published annually and crucially benchmarked using the methodology proposed here, but the sheer number of proposed data points to be published risks exposing providers and the OfS to intense political and media scrutiny which may not uphold the principles of robust and reasoned statistical analysis—especially as the data is only one part of the overall picture in a risk-based system. (Higher education representative body)*



*There will be a significantly increased burden upon institutions (and panels) in comparison with the current approach to the TEF, as a result of an increase in the volume and complexity of data scrutiny, narrative and evidence required [...]. This could be addressed by simplification of metrics and indicators through recognising high absolute values, highlighting sector-leading performance and reducing the sheer volume of indicators. (An employee of a higher education provider)*

## **Concerns about the accessibility of TEF ratings, indicators and accompanied information and how these will allow students to make informed decisions**

The next most frequent theme was provider concerns that TEF ratings and submissions may lead to student choice being based on misinterpreted information. Respondents who raised this issue were concerned that the language of the rating scale or the indicators used in the TEF might be misleading or unclear, limiting student and stakeholder ability to make fair decisions. A few respondents suggested ways to make information accessible to students, such as using plain language or multimedia, including video presentations or student-friendly factsheets. Some respondents stated that all necessary information required to inform student choice is already presented on the Discover Uni platform. These respondents were concerned that the TEF would not provide additional information and could potentially confuse student and stakeholder decision-making. A few respondents believed that the TEF would be unlikely to contribute to student choice, stating that there is little evidence suggesting that the TEF has or will influence student decision-making.

*We agree that there is potential for the TEF outcomes to inform student choice, but for it to do so, it should be presented in an accessible way for students to understand and absorb. [...] There is a question around whether a prospective student would realistically be able to allocate time to read each of the prospective provider's submissions and/or their associated student submissions. To help alleviate concerns around this, we would encourage providers to use plain English when writing submissions. We would also encourage the use of multimedia [...] to present the provider's information in a more student-friendly medium. (An employee of a student representative body)*

*As evidenced by the research carried out in support of the independent review of the TEF, [we] believe that individual measures—such as teaching quality and modules on offer at an institution—are effective methods to support students in their choice of provider. Condensing these measures into a single TEF rating to inform student choice appears flawed, as the importance of each metric will vary for different students. [...] The purpose of informing student choice is already delivered effectively via resources such as Discover Uni, which is accessible, easily understood and includes context for the statistics quoted. (An employee of a student representative body)*

## **Concerns about the impact of the TEF on equality and diversity in higher education**

The next most frequent theme related to concerns that the TEF would lead to the marginalisation of disadvantaged students, thus affecting equality and diversity in higher education. Respondents were concerned that providers might reduce recruiting students who require specialised and tailored education methods in order to increase their chances of scoring well in their TEF ratings. Additionally, respondents were concerned that existing unintentional biases were not well mitigated by the TEF,

negatively affecting diversity in the student population. Some respondents touched upon how existing external factors such as local economy and demographics already prevent improvements in equality and diversity in higher education.

*We do not think the response from OfS so far has been sufficient to demonstrate how it has addressed sector concerns on equality. We are therefore calling on the OfS to carry out and publish an equality impact assessment on the proposals. While we understand this is not legally required, the TEF needs to be designed in a way that does not include definitions of or guidance on 'excellence' that might be affected by unconscious biases that do not support the diversity of the sector and student population. The sector then needs an opportunity to comment on this and suggest mitigating actions where concerns and potential unintended consequences are raised. (An employee of a charity or third sector organisation)*

*Impact on widening participation. The OfS states that 'protecting and promoting quality and equality of opportunity are at the heart of our work.' This new proposed TEF has the potential to induce providers to stop recruiting from under-represented groups as they will risk their continuation, completion and progression metrics, and thereby their TEF rating. (An employee of a higher education provider)*

## Concerns about the effectiveness of the TEF

Some respondents felt that the TEF would not suitably measure the quality of teaching as is intended. Others believed that professional assessments made by staff (for example, peer assessments) would provide better indications of the quality of teaching. They also argued that the priority of the assessment should be based on better teaching instead of meeting thresholds. Additionally, some respondents were concerned that the TEF would not be able to measure teaching excellence in the context of specialised institutions.

A few respondents contended that the TEF would fail to address wider problems in education, such as excessive workloads or inadequate career pathways. Others were concerned that the TEF incentives would result in some providers taking advantage of the system. For example, respondents were worried that the TEF rating scale would affect how institutions report their improvements or how equitably they make improvements across all departments and specialisations. Additionally, some respondents also mentioned grade inflation and dumbing down as unintentional consequences of the TEF.

*We believe that the best approach would be [...] to shift focus onto the real pressure points facing teaching and academic-related, professional services staff, such as excessive workloads, casualisation, inadequate career pathways and restricted continuing professional development opportunities. Ultimately, excellent teaching and learning and a high-quality student experience are dependent on the staff who actually deliver teaching and learning and who provide other support to students. (Other representative body)<sup>6</sup>*

*This document talks rhetorically about 'incentivising excellence,' but the actual regulatory approach it describes involves punishing non-excellence. It perpetuates and will likely exacerbate the existing TEF approach, in which all of the incentives point towards playing it safe and gaming the metrics, and away from doing anything unusual or innovative. (An employee of a higher education provider)*

<sup>6</sup> Other representative bodies in this report refer to trade unions and professional associations.

## Need for further research to improve the TEF

An equally frequent theme compared to the above was how the TEF might be improved through additional research into measuring education or ways to improve it. Respondents were mainly concerned that the TEF will not evolve to encompass aspects learned from other sector regulations that focus on excellence in education. Additionally, they were concerned that the TEF will not mitigate against outdated evidence and will fail to include future evidence into the framework.

*We think that the policy intention would also be well served by the OfS working with sector bodies such as the QAA<sup>7</sup> to fund research into excellent education as surfaced by the TEF process. (An employee of a higher education provider)*

*We very much welcome a TEF approach that focuses on the enhancement of education provision. Enhancements that are effective may involve experimentation, innovation, evaluation and change over a period of time in which to make evidence-based changes. If the regulatory framework overall does not support such longer-term investment in meaningful change it is difficult to see how the TEF can enable effective enhancements.' (An employee of a higher education provider)*

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<sup>7</sup> Quality Assurance Agency (QAA)

### 3. Questions related to specific proposals

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#### Section 1: Framework

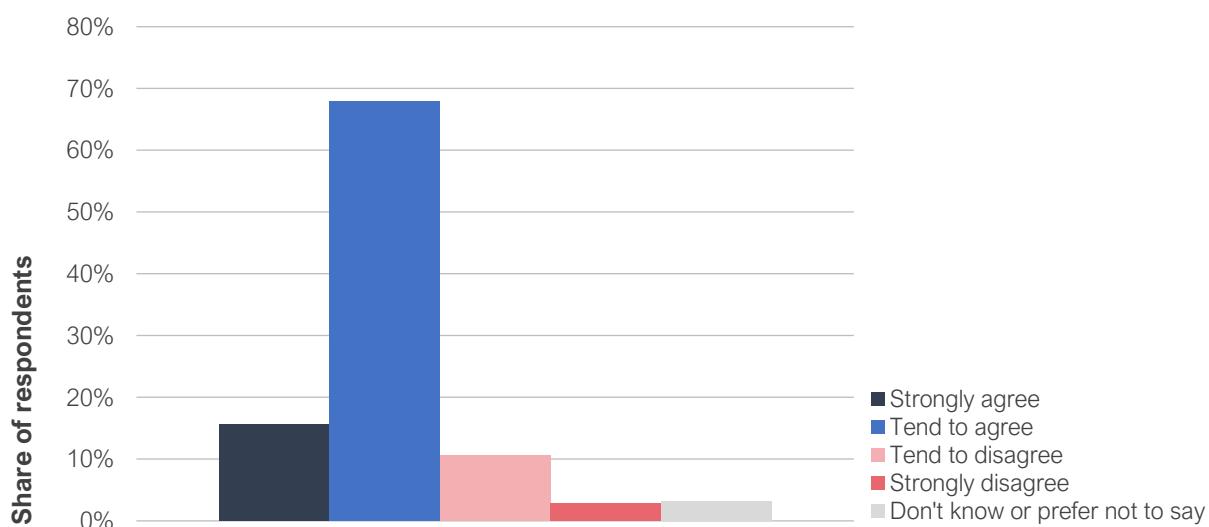
##### Questions covered in this section

This section summarises the responses to the consultation for proposals 1 to 4. These proposals present the OfS proposed approach to provider-level periodic ratings, the aspects that would be assessed and rated (student experience and student outcomes), and the features of excellence for each aspect. This section also describes the proposed rating scheme for the different degrees of excellence above baseline quality requirements (Gold, Silver and Bronze), and the proposed approach to absence of excellence, in which case no rating would be awarded, and the published outcome would signal that improvement is required.

##### Question 1

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



Over two-thirds (68%) of respondents tended to agree with the proposal for provider-level, periodic ratings; and 16% of respondents strongly agreed with it. In addition, 11% of respondents tended to disagree with the proposal and 3% strongly disagreed with it. The remaining respondents (3%) declared that they don't know or that they prefer not to say.

##### Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.



## Support for provider-level, periodic ratings

As shown by the responses to the quantitative question, the majority of respondents agreed with at least some aspects of the proposal around provider-level, periodic ratings. More specifically, most respondents agreed with both the four-year periodic ratings and the provider-level assessment. Of those that agreed with only one aspect of the proposal, greater support was offered to assessment at the provider level, which was perceived as a way to minimise the burden for providers, especially for small institutions. Some respondents also highlighted that subject-level assessments have been tried during the last TEF pilot and proved inefficient and impractical. The four-year cycle was also welcomed by respondents as it was believed to minimise the regulatory burden for both the OfS and providers, while also giving enough time to providers to implement the necessary changes.

*For [...], removing subject TEF would reduce the burden to provide our submission twice (once for subject TEF and once for provider TEF). For larger providers, this would also reduce the burden while the publication of outcomes broken down by student characteristics and course would still allow for some differentiation between subject and provider. By instigating a period of four years between assessments this would ensure that there is adequate time between TEF submissions to fully monitor enhancement activity and impact. (An employee of a higher education provider)*

*I agree that a four-year cycle offers the best balance between efficiency, burden, and timeliness of the data, and agree with the approach for it to be a provider rating, but that takes into account differences by student characteristics, subjects and mode of study. (An employee of a higher education provider)*

*This seems reasonable and overall it is good that 'subject level' TEF is no longer being considered. The pilot suggested that it proved difficult to provide consistent results across different providers and so could not be used equitably. (An employee of a higher education provider)*

Within this theme, while most respondents agreed with the broader proposal, they expressed some concerns and suggestions, which are discussed below.

## The need for interim assessments

While the most common theme across responses was an agreement with the proposal, some respondents agreed with the periodic element of the assessment but raised concerns about the proposed four-year length of the cycle. These concerns were combined with a request of the option of going through interim assessments (between the periodic assessments) under specific circumstances. More specifically, many respondents were concerned that there were no mechanisms in the TEF proposal relating to the provision of interim assessments. Some of those respondents showed their support for the four-year cycle of assessments, but believed that interim assessments were necessary when the TEF assessment resulted in a 'requires improvement' category.

Respondents in this theme were concerned that old data would be used to inform ratings or that ratings lasting for four years would not be representative of any improvements that providers might accomplish before the next assessment. Some respondents were worried that they would have to wait up to four years until the next review to apply or reapply to TEF—for example, when a provider's TEF rating is suspended based on the assessment of condition B3. They also suggested that applications could be staggered to allow for new waves of submissions within the four-year cycle.



*We agree that the ratings should be provider-level rather than subject-level as this would be a more accurate reflection of the overall quality of provision at smaller providers. It would also reduce the burden on smaller providers who simply do not have the infrastructure of bigger providers to support with such exercises. Our concern remains around the suggested four-year cycle and the lack of any sort of interim assessment, which we think would be very important for any provider who was deemed 'requires improvement.' To allow a provider to sit with 'requires improvement' status for four years could be potentially very damaging. (An employee of a higher education provider)*

*Four years might be too infrequent, as it would mean a long time before new providers are assessed. A solution might be a two-year assessment cycle, but with awards lasting four years. If the OfS can remove a TEF rating between cycles, there should also be an opportunity to improve it—both instances reflect that circumstances have changed. (An employee of a higher education provider)*

## **Concerns about timelines and regulatory overlap**

The next most frequent theme was related to concerns about the regulatory burden created by the TEF or by completing the TEF along with other regulatory exercises. Respondents were mainly concerned that there were duplications across regulatory exercises or that overlaps in timelines with other regulatory exercises made it difficult to complete the TEF within the timeframe set out in the proposal. Many of these respondents also suggested delaying or staggering submission timelines for TEF as they were concerned that there would not be enough time to prepare applications for the upcoming TEF.

Some of the responses within this theme reflected on how the TEF might disproportionately burden smaller providers as the benefit of participating in the TEF might be outweighed by lack of resources or time. Finally, some respondents were concerned that participating in the TEF would be burdensome without the reassurance that TEF ratings would improve provider standings and inform student choice effectively.

*The timeline of these periodic ratings should be planned so that they do not place an undue regulatory burden on providers alongside other regulatory commitments. In particular, submission timeframes should be coordinated to avoid overlap with Access & Participation Plan submission timeframes. We would also welcome OfS collaboration with other sector bodies to minimise, where possible, overlapping timeframes with exercises such as the REF,<sup>8</sup> Ofsted inspections of apprenticeships provision, and similar processes which demand significant institutional coordination and input. (An employee of a higher education provider)*

*This proposal would seriously deter small providers (such as FECs<sup>9</sup>) from abstaining from taking part in TEF as it would be more damaging to hold onto a RI rating for four years than having no TEF at all. We urge the OfS to reconsider and revise this proposal. Additionally, more needs to be done to understand how TEF informs student choice and if the burden of participating in TEF for small providers is indeed worth it. This is why we stated previously it only benefits large traditional HEIs who have the resources to invest in TEF. (An employee of a higher education provider)*

<sup>8</sup> Research Excellence Framework (REF)

<sup>9</sup> Further Education Colleges (FEC)



## Concerns about the effectiveness of TEF in measuring excellence

Some respondents raised their concern about the effectiveness of TEF in measuring excellence. Responses within this theme raised concerns about the indicators used to inform ratings and whether they truly measure excellence in teaching. Some respondents provided examples of how the data used to rate providers could be limiting and inaccurately depict teaching quality. Additionally, there were a few instances of respondents providing examples of how other regulatory exercises could fulfil the purpose of the TEF. Respondents were also concerned that the TEF would not fulfil its purpose, as providers might seek better ratings rather than committing to improving teaching excellence.

*We agree that the main purpose of TEF should be to incentivise excellence rather than informing student choice. However, we tend to disagree that metrics are an accurate measure of teaching quality. For example, a college's continuation may be below the threshold, yet student satisfaction [may be] very high (internal and external—National Student Survey). Therefore, non-continuation cannot be simplified as an accurate measure of teaching quality. (An employee of a higher education provider)*

*It is our view that the Scottish focus on enhancement-led practice, supported by the QEF,<sup>10</sup> the ELIR<sup>11</sup> and institution-led internal reviews, is a more effective mechanism for monitoring and improving the quality of learning and teaching in Scotland. (An employee of a higher education provider)*

*As part of the previous rounds of consultations on the TEF, there was some evidence to suggest that the TEF incentivised colleges to focus on their performance against the key metrics, although there was less consensus on whether the metrics were an accurate measure of teaching quality. (Higher education representative body)*

## Additional clarifications needed

The next most frequent theme was request for clarifications about the proposal. Specifically, some respondents were unsure how the assessment at provider level would incorporate information from subject-level data. Other less frequent clarification requests concerned the definitions used, the impact of an absent student submission, and how the proposal will facilitate sharing of best practice.

*Further clarity on the use of subject-level data is required as the pilots exposed the vagaries in the system and process of these. As is clarity on the recruitment/composition of the expert panel. (An employee of a higher education provider)*

*However, we would welcome guidance on how variation at characteristic level will be taken into consideration—for example, the extent to which one underperforming area might influence the overall rating. (An employee of a higher education provider)*

## Concerns about the terminology used in the TEF rating scheme

The last main theme was respondent concerns about the language used to describe or distinguish between TEF ratings, issues with the name of the ratings or categories, or general concerns that unclear distinctions or the naming system used in ratings would miscommunicate the meaning of ratings. Respondents were concerned about the 'requires improvement' category and how this can affect institutions. In addition, some respondents also disagreed with the use of 'Bronze, Silver and Gold' ratings.

<sup>10</sup> Quality Enhancement Framework (QEF)

<sup>11</sup> Enhancement-Led Institutional Reviews (ELIR)

According to some respondents, the ‘requires improvement’ category could infer poor quality when providers have met the minimum threshold under the TEF. Additionally, as the scale pertains to excellence in teaching, respondents were concerned that there were not enough distinctions to discern how excellence varied among providers scoring along the scale, which could confuse students or negatively impact their choice.

Additionally, some respondents were concerned about how indicators would be summarised into overall ratings, namely how underperforming areas might affect areas of high performance.

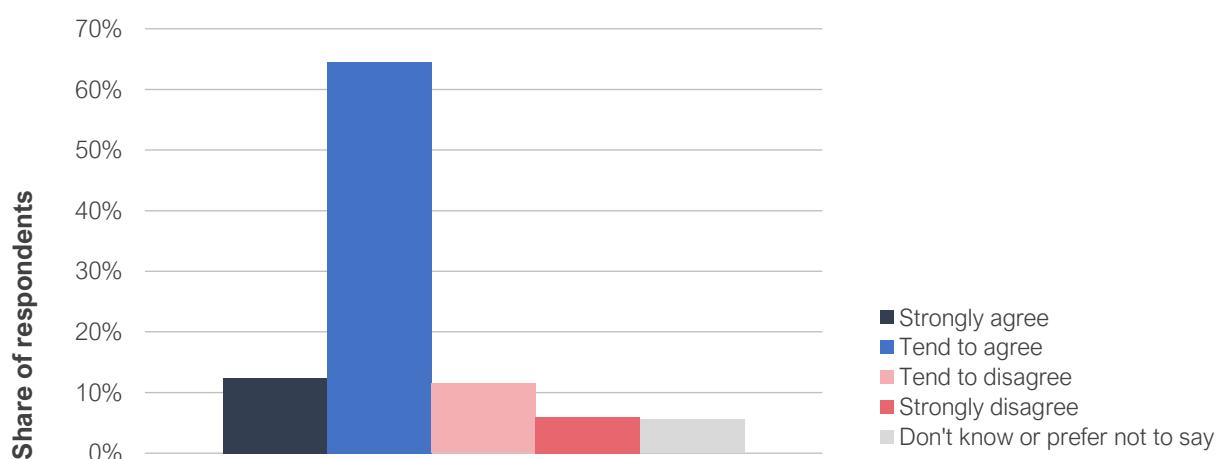
Respondents were also concerned about how poor ratings could cause long-lasting impacts on provider reputation and ability to recruit. Similarly, some respondents were concerned about the degree to which ratings will impact or lead to improvements in institutions of higher learning as a result of the TEF.

*Related to this, we feel strongly that the wording of the ‘requires improvement’ rating needs revising. It does not align with the wording of the TEF proposals that focus on ‘outstanding, very high, or high quality.’ If an institution meets its B3 conditions for outcomes and experience, but is not judged to be of high quality (that is, Gold, Silver or Bronze), then wording such as ‘meets quality requirements’ would be more appropriate. An alternative approach would be to have Gold, Silver and Bronze awards, and then if the quality of an institution is judged not to merit one of these three awards, they simply do not receive a TEF award. This would also support the OfS aim of making a Bronze award a more aspirational achievement. (An employee of a higher education provider)*

*[...] Other than being another regulatory exercise, does Bronze, Silver, Gold (or indeed a lack of) excellence actually inform student choices? Do higher education staff buy into and strive for excellence according to the TEF? (An employee of a higher education provider)*

## Question 2

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



Almost two-thirds of respondents (65%) tended to agree with the proposal for aspects and features of assessment, and 12% of respondents strongly agreed with it. In addition, 12% of respondents tended to disagree with the proposal and 6% strongly disagreed with it. The remaining respondents (6%) declared that they don’t know or that they prefer not to say.



## Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

### Concerns about measuring and assessing educational gain

The most frequent theme focused on concerns around the assessment of educational gain as well as concerns on how this could be uniformly measured. Some respondents agreed that the ambiguity of the definition of educational gain could allow providers to contextualise measures through qualitative aspects. However, the majority of those who raised this point did not have a clear understanding of how panels would uniformly measure these self-reported assessments. Additionally, some providers highlighted that the loose definitions of these measurements could create disparities in the way providers interpreted and reported them as part of their submissions.

*Ongoing work by the sector would suggest there is value in capturing educational/learning gain, but there is no widely accepted metric or approach and capturing gains may differ between providers. We, therefore, welcome that the OfS is not proposing a metric on educational gains and would encourage the OfS to keep their definition of educational gains, as assessed in the TEF, as broad as possible. This will allow providers to robustly capture and demonstrate excellence in this area through their provider submission. (An employee of a higher education provider)*

*We have concerns around the proposals to measure educational gain. [...] We also think that measuring education gain will be operationally problematic for providers and expert panels. For example, given the diversity of approach across providers, how will parity across providers be achieved for this measure? For large complex institutions, finding a universal rubric to measure educational gains may result in vague indicators. Greater clarity on what is meant by 'educational gain' and what ought to be included (academic learning gain, graduate attributes, broader co-curricular development) is required for this to be an effective measure across institutions. (An employee of a higher education provider)*

### Concerns about indicators used to measure teaching quality

The next most frequent theme focused on issues around the metrics used to inform the final ratings on teaching quality. Some respondents generally felt that there were inconsistencies between the metrics being assessed and what the TEF aimed to measure, often highlighting differences in how teaching quality could be measured by student experience and student outcomes. Additionally, some respondents were concerned that the TEF did not consider all relevant factors to measure teaching quality effectively. For example, some respondents were concerned about indicators not utilised in assessing student experience as part of teaching excellence, such as students' sense of belonging, highlighting that their addition would add significant value to the TEF.

*Student experience and outcomes are not measures of teaching quality but are proxy indicators which are not fit for purpose. While they are useful in terms of evaluating whether the students had a good time and whether they go into well paid jobs, they are not a measure of teaching quality and there needs to be more transparency around this. It would be better to label the exercise the Student Academic Experience and Outcomes Exercise as a concept, as this is what it is capturing, not teaching excellence. (An employee of a higher education provider)*



*It is right that student experience and student outcomes should be the focus of aspects of assessment. However, I think that the NSS<sup>12</sup> questions about learning community, and in particular the question which asks students whether they feel part of a community of staff and students, should be included as part of assessing the student experience aspect. This is owing to the importance of a sense of belonging as a factor in student continuation and completion rates, as well as a protective factor in relation to student mental health. (An employee of a student representative body)*

## Concerns about the language used in the TEF

The next most frequent theme was respondent concerns about the language used in the TEF. Respondents were mostly worried that there was a lack of clarity between ratings, citing either the names of the ratings or unclear distinctions between ratings. Many respondents were concerned about how the TEF category of 'requires improvement' and the 'Bronze' rating could be interpreted by students and stakeholders. Respondents also raised concerns about the way in which students were referenced in the TEF, citing passive or detached language used to describe the role of student engagement in the exercise.

*The description of the features of assessment, split only into 'very high quality' and 'outstanding quality,' is somewhat at odds with the three-band rating system for quality. These two sets of features appear to align more-or-less with 'Gold' and 'Silver' categories, with an absence of excellence indicating the 'requires improvement' category. Given that the consultation makes it very clear that the outputs should be transparent for students, the nuances between 'very high' and 'outstanding' may not achieve this aim. The proposal would be strengthened with a clearer definition of what a 'Bronze' TEF outcome represents. The OfS should provide greater clarity as to how impact will be assessed through the submission with respect to the aspects of assessment. (An employee of a higher education provider)*

*The current wording of the features of excellence, of 'embedding engagement' with students, is such that regular distribution and consideration of the end of module questionnaires may be considered 'excellence' when this ought to be a baseline. (An employee of a student representative body)*

## Concerns about the TEF administration and guidance for TEF panels

The next most frequent theme focused on concerns that assessors might need more guidance or that panels should have training to guide their assessments of submissions. Respondents were generally concerned that assessments made by panels might be overly subjective without providing assessors a solid foundation from which to base their assessments. Additionally, some respondents were worried that, although excellence in teaching and educational gain are not rigidly defined, panels may not be skilled in observing nuanced indicators of excellence as set out in the proposal across different providers. A few respondents supported that panel members should be aware of the various quality requirements across all countries in the UK, and training about these contexts will help them objectively assess providers. Some respondents suggested that there should be robust mechanisms for information sharing on common metrics, examples and standard practice, which could benefit providers as they make submissions as well as train panels before they review assessments. Other respondents were concerned that the number or make-up of panels was not clearly defined or that they might not be robust enough in their composition to approach their assessments holistically.

<sup>12</sup> National Student Survey (NSS)

*Annex F relating to the panel assessment of outstanding quality and very high quality defines outstanding quality to be 'sufficient evidence that the quality of the student experience or outcomes are among the very best in the sector for the mix of students and courses concerned.' To make these recommendations, the assessment panel would have to have knowledge of all providers' evidence and submissions to enable judgements to be made about what then constitutes the best in the sector. However, Annex F suggests that a small number of panel members will review the evidence in relation to a provider and form a recommendation about the ratings. This panel would not have an overall sector-wide view to assist with their judgements of what constitutes the very best in the sector. (An employee of a higher education provider)*

*We generally agree that the proposals for aspects and features of assessment are appropriate. We welcome the decision to allow greater space for providers to articulate what excellence means in their own contexts. However, we believe that for this to be truly effective, it will be essential that the panel is appropriately supported and trained to assess what these different paths to excellence might look like so that it doesn't rely on a single conception of how high quality is achieved. (An employee of a higher education provider)*

## **Concerns about additional regulatory burden created by the TEF**

The next most frequent theme was respondent concerns that the TEF might create an additional regulatory burden, often raised alongside concerns relating to the size and scope of different providers that would be assessed by panels. Respondents were generally concerned that there could be overlaps in timeframes and information provided in submissions for the TEF and other regulatory exercises, burdening providers as they make multiple submissions to fulfil regulatory obligations. Additionally, respondents were concerned that smaller or specialised institutions of higher education with limited resources would be disproportionately disadvantaged in filing submissions compared to providers from larger institutions. Related to the size and scope of providers, some respondents were also concerned that smaller institutions with limited resources would not be able to support students with their submissions compared to larger institutions that could assist their students.

*The relationship between the quality measures (B3), excellence measures (TEF) and inclusion measures (APP<sup>13</sup>) is clear enough from an OfS point of view, but from a provider point of view there is lots of overlap, although most of it is partial. For example, the TEF will look at student outcomes by demographic splits, and so does the APP, but the data comes from different groups of students. This is administratively burdensome and could cause confusion to non-specialists looking at the data—for example, someone looking at gaps in attainment between ethnic groups. (An employee of a higher education provider)*

*We also strongly support having student submissions as part of the process; student voices are vital if the TEF is to be a meaningful exercise and accurately reflect the student experience. We are, however, concerned about how the OfS plans to support students and their representative bodies to provide meaningful submissions, especially in cases of small providers with very small Student Union staff teams to support the creation of the submission. (An employee of a charity or third sector organisation)*

## **Concerns about indicators relating to progression outcomes**

The next most frequent theme focused on indicators relating to employment and other student outcomes after graduation. Respondents were generally concerned that student outcomes relating to

<sup>13</sup> Access and Participation Plans (APP)



employment were not entirely representative of teaching excellence or educational gain. For example, other external factors such as demographic contexts and the local economy could affect employment outcomes. Additionally, respondents were concerned that certain studies did not lead to immediate employment after graduation and that these indicators might misrepresent how students were progressing in their professions after graduation.

*Progression to professional and managerial roles, for example, is still partly driven by student characteristics, with students from working class backgrounds still less likely to progress into these roles, even if they perform well at university. Progression to such roles is also sensitive to regional and local contexts. Universities outside London should not be penalised for potentially having fewer professional roles in their local economy, and that students are not dissuaded from staying local and contributing to their community. (An employee of a charity or third sector organisation)*

*Also, when considering outcomes, the variety of employment sectors graduates hope to enter needs to be taken into account, as some students may not enter university with a view to attaining a 'graduate level job' on exit because they recognise that isn't a realistic aim due to the nature of the employment sector. For example, students wanting to enter the film industry may not anticipate getting a 'graduate level' or 'managerial level' job as they know they may need to enter the industry at a junior level—for example, as a runner—before they can progress to higher level roles. (An employee of a student representative body)*

## Concerns about timelines and interim assessments

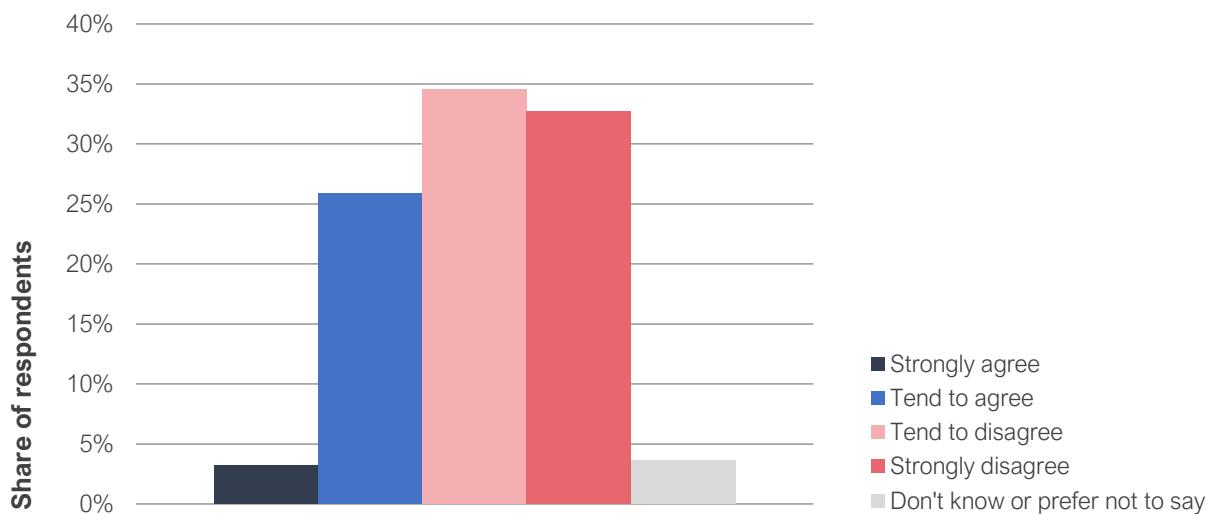
Another frequent theme was respondent concerns about the timelines outlined in the proposal. Respondents were mainly concerned that it would be unfair to include assessments of educational gain in this round of the TEF as providers will need time to consult with students for this exercise. Additionally, some respondents were concerned that, because educational gain was loosely defined in the proposal, providers need time to make definitions either at the institutional level or arrive at commonly accepted definitions in the sector before including this assessment in the next TEF.

*While we welcome the opportunity to define educational gains as part of the consideration of student outcomes, the timescale to define, implement and measure is too short, particularly as we would want to consult with students and develop our definition with them. We would recommend signalling intent to include educational gain from the next TEF (in four years' time) to ensure institutions have the opportunity to do it properly. (An employee of a higher education provider)*

*We are also concerned about the feasibility of providing valid and robust measures of educational gain over time within the time between this consultation and TEF submission. More time should be given to providers to put in place robust plans to measure educational gain as well as how these measures of educational gain can better be used in an innovative way to support students on their courses. (An employee of a higher education provider)*

## Question 3

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



Over one-third (35%) of respondents tended to disagree with the proposal for the rating scheme and 33% strongly disagreed with it. In addition, 26% of respondents tended to agree with the proposal and 4% strongly agreed with it. Remaining respondents (4%) declared that they don't know or that they prefer not to say.

### Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

#### Concerns about the TEF category of 'requires improvement'

The most frequent response concerned the term 'requires improvement.' Respondents interpreted this category to mean providers reaching the minimum threshold of excellence, and according to those respondents, the proposed name of the category does not portray this. Moreover, even though the definitions of 'requires improvement' in the TEF and Ofsted schemes differ, respondents were also worried that stakeholders would associate the two terms together, and therefore, that the TEF category would negatively impact providers. Based on this concern, some respondents stated that a new term should be coined to replace 'requires improvement' to make this TEF category distinct from the Ofsted rating. Some respondents also raised concerns that the term 'requires improvement,' as currently defined in the TEF rating scheme, would be especially damaging to providers who would have to carry the rating for a four-year period.

*We are very concerned about the proposal to introduce a fourth rating 'requires improvement' which is essentially not a rating for excellence. Firstly, 'requires improvement' is a rating already used by Ofsted and has a specific meaning in FE<sup>14</sup> often associated with 'failure.' A college that may be Ofsted 'outstanding' but is rated to 'requires improvement' for the TEF will send very confusing and contradictory messages about the quality and standards at a college. [...] Such a*

<sup>14</sup> Further Education (FE)



*rating, if held for four years, can be quite damaging for a college's FE as well as HE<sup>15</sup> provision. We suggest an alternative rating is used to describe a provider that 'requires improvement' to demonstrate excellence but 'meet the quality thresholds.' (An employee of a higher education provider)*

### The current scheme is inadequate, or another scheme is preferred

The next most frequent theme focused on respondents disagreeing with the rating scheme or stating that they preferred another scheme to the one outlined in the proposal. Respondents who were against the rating scheme outlined in the proposal generally made recommendations on alternative rating schemes to use in the TEF, including schemes employing the use of letters or stars, as well as those schemes set out in the independent Pearce review. Similarly, a few respondents dissatisfied with the rating scheme outlined in the proposal believed that the scheme was too simplistic and did not capture the nuances of excellence in education. Therefore, it was argued to be unable to illustrate the degrees to which excellence might differ between institutions of differing size and specialisation. A small number of respondents were generally opposed to the TEF.

Most of the providers who did not agree with the ratings suggested that the scores should be replaced as proposed in the Pearce review by 'meets UK quality requirements, commended, highly commended, outstanding.' Others recommended the rating 'requires improvement' to be substituted by 'meets expectations,' 'meets minimum standards' or 'meets quality thresholds or requirements.' A few supported a star rating, while others proposed other wording.

*We should note that the language about excellence has become inflated. The baseline, surely, is competence. So, as an alternative, Bronze might become competent or capable, Silver meritorious and Gold excellent, or similar terms. Accepting that such terms are labels, not criteria, 'requires improvement' fits neatly into this scale. (Other representative body)*

### Concerns about the 'Bronze' rating

The next most frequent theme was centred on the perception and interpretation of the 'Bronze' rating in relation to the other ratings, those being 'Silver' and 'Gold.' Respondents were generally worried that the 'Bronze' rating had negative connotations as stakeholders and students would not perceive the rating as the lowest award of excellence but as a mark of poor quality in comparison to providers with ratings of 'Silver' and 'Gold.' Additionally, respondents did not believe that adding the TEF category 'requires improvement' was efficient in mitigating the poor perception of the 'Bronze' rating. Again, there were general concerns about whether the scheme would be advertised to stakeholders effectively and whether the public would be able to correctly interpret 'Bronze' in relation to the measures taken to address these worries since the last TEF exercise.

*The consultation suggests that the OfS hopes to counter this by making it clear that a Bronze rating requires excellence above the baseline; however, the Pearce review pointed out that 'Despite the fact it is clear in the TEF literature that all TEF ratings indicate performance that meets or exceeds the UK quality baseline, 'Bronze' seems to be viewed as indicating failure or substandard performance. This is evidenced not only by what we have heard but also by how applicants interpret the ratings.' (An employee of a higher education provider)*

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<sup>15</sup> Higher Education (HE)



*Although the new addition of a fourth category to sit underneath the existing Gold, Silver and Bronze awards has been proposed to mitigate this confusion, we believe it will not resolve the issue, as it does nothing to correct the negative perceptions of 'Bronze' as a 'third place' category. [...] A clearer and more palatable approach for the general public would be to rename this new fourth category along the lines of 'above any regulatory minimum,' 'meets approved baseline quality and standards,' 'exceeds baseline requirements,' or similar. This would also help to elevate perceptions of the 'Bronze' award category sitting above it and remove any connotations of failure. (An employee of a higher education provider)*

## A desire for stronger distinctions between definitions of ratings

The next most frequent theme raised by respondents was concern that the rating names were not descriptive and that the definitions provided in the proposal to distinguish one rating from another were unclear, vague or overlapping. Respondents were generally concerned about how the quality would be distinguished across varying degrees of excellence, not only in terms of panel assessment but also how providers could understand how to achieve good ratings. Additionally, respondents suggested that the distinctions among ratings of excellence should be made clearer, as they found the current rating scheme vague and confusing to stakeholders and students looking to make an informed choice.

*We would suggest a more nuanced approach that includes the Gold, Silver and Bronze ratings, but with further information on what standard globally this relates to—such as, Bronze - excellent or Silver - outstanding. This would allow applicants to make more informed decisions and also highlight the standing of UK higher education to overseas candidates. (Higher education representative body)*

*I have no issue with the naming of the ratings as Gold, Silver and Bronze, but want to emphasise the importance of communicating the meaning of each of these levels of excellence with the student and prospective student body (both nationally and internationally), and transparency in publishing and promoting what the standards mean. (An employee of a student representative body)*

## Concerns about the interaction of the TEF rating scheme with the old TEF scheme and the proposed condition B3

Respondents were generally concerned that there was a lack of distinction between the rating scheme in the previous TEF and the new one, which might confuse providers and stakeholders. Consequently, they suggested using different terminology in the new TEF rating scheme. Additionally, respondents were concerned that the TEF ratings would not successfully communicate that B3 thresholds had been met.

*The continued use of medal ratings will encourage comparison with historical TEF ratings, which were based on a completely different assessment process and a substantially different basket of metrics. New descriptors would be appropriate to match the new TEF process. (An employee of a student representative body)*

*We are concerned about the relationship between meeting the B3 baseline requirements and the 'requires improvement' TEF rating, which itself implies a lack of meeting a threshold. (An employee of a higher education provider)*



## Concerns about the way panels will determine TEF rating

The next most frequent theme was respondent concerns about how panels would assess providers to determine their rating. Respondents were generally concerned that, because they felt there was a lack of clarity in the distinction between ratings in the scheme, the objectivity of the panel would be limited and that they would risk being inconsistent when formulating provider ratings. This concern was not only in reference to how the sector would be able to interpret their own assessments, but also how stakeholders and students would arrive at conclusions after reviewing the assessments of panels to make an informed choice. Some respondents were also concerned about how panels would formulate overall ratings in the event that the two aspects, experience and outcomes, were not both rated at the same level of excellence.

*Need more information as to exactly how the panels will determine each rating. Is there a formula for the ratings similar to the flag system in the old TEF? (An employee of a higher education provider)*

*In relation to the proposal for a rating for each aspect—namely, for experience and for outcomes—there is again an issue. If you get a Silver and a Gold, then what is the final outcome? The criteria given look very subjective and based upon the panel's decision, even after calibration to ensure consistency in decision-making and thus outcome. (An employee of a higher education provider)*

## Concerns about the impact of the TEF on equality and diversity in higher education

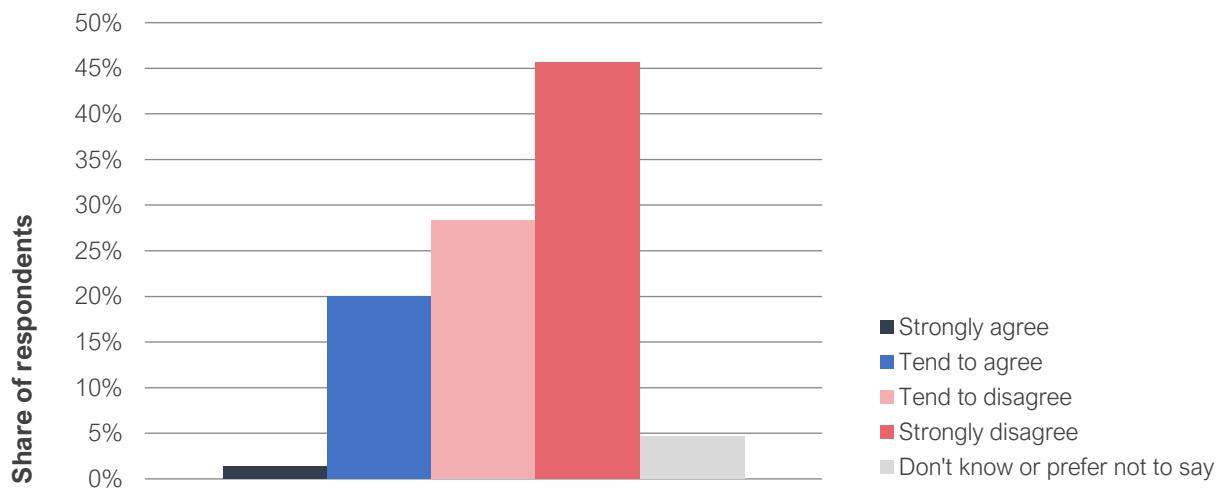
An equally frequent theme compared with the previous one was respondent concerns about the impact of the TEF on equality and diversity in the sector. Respondents were generally concerned about the degree to which the rating scheme outlined in the proposal would affect student choice, citing that students with protected characteristics or coming from disadvantaged backgrounds may be adversely biased when making a choice, owing to their perceptions of provider ratings and their personal possibilities.

*Members referred back to academic research regarding previous ratings as evidence for concern with the proposal for ratings in relation to the effect of this on current and prospective learners across the sector. There is particular concern that applicants with particular protected characteristics may not apply for Gold-rated providers and that does not support inclusion and diversity. (Trustee of a charity)*

*We would propose moving away from Gold/Silver/Bronze, as this has been shown to be a disincentive for some students to apply for certain universities. Some minority students will not apply for Gold-rated institutions, as they do not see that they merit this. (Other representative body)*

## Question 4

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



Almost half (46%) of respondents strongly disagreed with the proposal for where there is an absence of excellence, and 28% tended to disagree with it. In addition, 20% of respondents tended to agree with the proposal and 1% strongly agreed with it. The remaining respondents (5%) declared that they don't know or that they prefer not to say.

### Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

#### Concerns about the TEF category of ‘requires improvement’

The most frequent theme was respondent concerns about the name of the TEF category used to describe the absence of excellence—that is, ‘requires improvement.’ Most respondents believed that the name of the category was misinformative and should be reworded to reflect the intent of the exercise. The terminology used in the proposal was viewed as a misnomer that could confuse stakeholders and have them perceive a provider as not meeting thresholds or an institution as devoid of excellence. Some respondents argued that the terms used for these ratings were not conducive to the overall goals of the TEF. They also believed that the ratings were overly negative and heavily regulatory instead of highlighting positive, innovative and outstanding degrees of excellence.

*We have significant concerns about this category. The terminology is inappropriate, as anything above the B3 condition thresholds is deemed to be ‘high quality.’ The policy intention is to incentivise excellence, not measure compliance (covered by the B3 conditions already). This category could also mislead students by giving the impression that a provider is somehow ‘failing’ even though it is meeting minimum standards. (An employee of a higher education provider)*

*We would welcome more precision in the nomenclature around the absence of excellence. [...] For example, rather than stating ‘requires improvement,’ the rating should acknowledge that the provider is high-quality (as is shown through meeting baseline standards). Outside HE, ‘requires*



*'improvement' has significant negative implications and often signals a failing school [...]. There is a risk that using the same nomenclature for the TEF will give a misleading impression that institutions are failing or have breached regulatory requirements when in fact they have reached the high-quality regulatory standards required of them. (An employee of a higher education provider)*

## **Concerns about the TEF rating scheme and assessment of condition B3 and request for additional clarification**

The next most frequent theme focused on concerns about the relationship between the TEF rating scheme and the assessment of condition B3. Respondents were concerned that the relationship between the TEF rating scheme and other regulatory baselines, including condition B3 thresholds, had not been clearly articulated in the proposal.

*In order to be eligible to participate in the TEF a provider is required to meet the B3 quality thresholds. As the consultation document and associated webinar explain, the TEF and compliance with B3 are two separate processes. (An employee of a higher education provider)*

*We are unclear what the difference is between a provider that does not demonstrate excellence (that is, requires improvement) and one that is not meeting its B3 condition of registration. This requires further clarification. (An employee of a higher education provider)*

## **Concerns about the TEF rating scheme negatively affecting public perceptions**

The next most frequent theme was concern about the public's interpretation of ratings and possible negative implications. Respondents were concerned that the name of the category 'requires improvement' would be misinterpreted by stakeholders and would reflect that an institution was substandard. Similarly, respondents were concerned that using this terminology would cause damage to the reputation of individual institutions and to the sector as a whole.

*We do not believe that stakeholders would recognise that providers without a TEF rating are still meeting a baseline quality threshold and this could be extremely damaging to providers who receive a 'requires improvement' rating. (An employee of a higher education provider)*

*[...] the proposal risks unfairly damaging the reputation of individual institutions and the sector as a whole (including internationally); misinforming applicants, students and other stakeholders; and potentially impacting adversely upon the prospects of students from institutions categorised as 'requires improvement' [...] (An employee of a higher education provider)*

## **Concerns about TEF's similarities to Ofsted**

The next most frequent theme centred on concerns that the TEF rating scheme outlined in the proposal was too similar to the one used by Ofsted. Respondents were generally concerned that the rating names suggested in the TEF would be associated with the terminology employed in the Ofsted rating scheme to denote poor quality or failing.

*It makes no sense that a provider meeting, in the OfS's own words, 'high quality' minimum baselines should be labelled as 'requiring improvement.' The rating will inevitably be associated among the general public with similar Ofsted categorisations of 'failing' schools, and seems wholly inappropriate in an exercise focused on excellence. (An employee of a higher education provider)*



*'Requires improvement' has strong associations with Ofsted and schools assessed to be performing poorly. In the eyes of the public, and therefore students, this could be reputationally damaging for institutions assumed to be 'failing' despite meeting high-quality thresholds. (An employee of a charity or third sector organisation)*

## Concerns around interim assessments

The next most frequent theme was centred around how a TEF participant might benefit from an interim assessment, especially when the provider 'requires improvement.' Respondents were generally concerned that poor ratings hold for four years without the opportunity to resubmit revisions or evidence of improvement before the start of the next cycle. Some respondents were also concerned that studying at institutions carrying low ratings over four years could negatively affect student prospects. Additionally, some respondents raised concern that the data informing a poor rating would be out of date by the start of the next cycle. Therefore, ratings given to an institution at the time of evaluation may not be representative of the gains or slides in excellence.

*As the intent of the TEF is to drive up standards, consideration should be given to allowing a mid-cycle review for providers in this category—and otherwise above the thresholds for registration—to demonstrate achievement of improved outcomes and experience. An opportunity for interim review for these providers, presumably a small number, should not represent too great a burden on the OfS and would encourage rapid enhancements and address potential negative impact on students/graduates. (An employee of a charity or third sector organisation)*

*Our students were very concerned about this proposal and the impact it may have on them regarding future employment, if the assessment is undertaken during their studies and the award allocated is less than it was when they started the programme. There is no mention of when a reassessment could take place and we believe that for providers in this situation, reviews should be undertaken two years after the initial assessment. (An employee of a charity or third sector organisation)*

## Concerns about fees

The next most frequent theme focused on concerns about the effects low ratings may have on fees. Respondents were generally apprehensive that institutions categorised as 'requires improvement' would not be able to charge uplifted higher fee amounts. Similarly, respondents were concerned that, with rating cycles lasting four years, a drop in fees would translate into limited resources to make institutional improvements towards excellence. Some respondents were concerned that providers who will not be able to charge the uplifted higher fee amount as a result of receiving low ratings might need to cut resources, thus further limiting student outcomes. Additionally, some respondents were concerned that there was no mechanism to introduce interim assessments when fees have been capped after receiving a 'requires improvement' judgement.

*We also oppose the proposal that if an institution receives a 'requires improvement' rating, that it cannot charge the uplifted higher fee amount. If an institution is judged to need improvement, but then has reduced income as a consequence of charging lower fees, there will be less resource available to be able to put the initiatives in place that would achieve these improvements. It is counterintuitive to tell an organisation that it needs to improve but will have less money to be able to do this. (An employee of a charity or third sector organisation)*



*The proposal that a provider will not be allowed to charge the higher fee amount if they are not awarded an overall rating for TEF again is a deterrent [...]. Tuition fees are set and published in advance, if the OfS imposes a financial penalty due to TEF non-rating, would providers need to adjust fees in the middle of an academic year? This would be impractical and confusing for students and the provider. (An employee of a charity or third sector organisation)*

## **Concerns about the impact of the TEF on student outcomes and diversity within the sector**

Finally, a few respondents focused on concerns about student outcomes and diversity within the sector. Respondents were generally concerned that poor ratings lasting four years would not only damage the reputation of institutions but would also negatively affect diversity within the sector and across groups of students. Many respondents were concerned that low ratings would disproportionately affect provision for underrepresented groups of students, students from disadvantaged backgrounds, students with special characteristics and students enrolled on particular modes of study. Additionally, some respondents were concerned that smaller and specialist providers may fail to submit within deadlines owing to limited resourcing or may be exempt from the TEF exercise altogether.

*There is a risk that providers who could fall into this new absence of excellence category are those in specific regions [...], or students with particular characteristics. Earlier analysis by the Department for Education showed that higher education providers with a large proportion of 'local' students, who commute to and from campus on a daily basis, were more likely to obtain the lowest TEF rating, which was formerly 'Bronze,' and less likely to obtain a 'Gold' award. (An employee of a charity or third sector organisation)*

*Since there is a greater risk for smaller, specialist providers and those who recruit more significantly from underrepresented groups to have lower absolute performance for the main TEF metrics, a 'requires improvement' outcome may disproportionately impact provision for students from the most underprivileged backgrounds. (An employee of a charity or third sector organisation)*

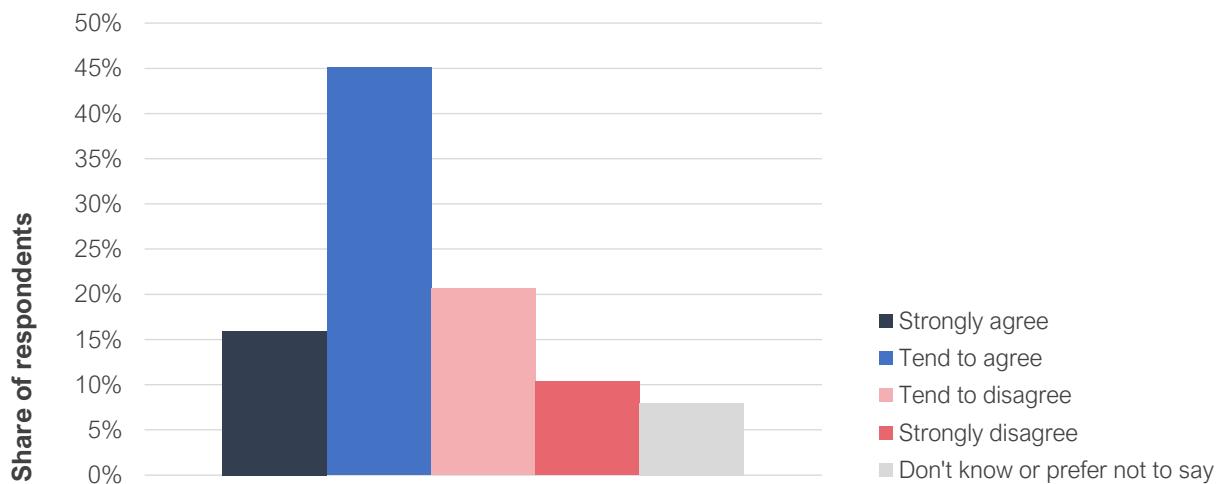
## Section 2: Scope

### Questions covered in this section

The second section discusses the responses to questions related to proposals 5 and 6. Those proposals set out the OfS proposed approach to the provider eligibility criterion—that is,, to satisfy the baseline quality and standards requirements, and the courses in scope for the TEF assessment.

#### Question 5

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



Almost half (45%) of respondents tended to agree with the proposal for provider eligibility, while 16% of respondents strongly agreed with it. In addition, 21% of respondents tended to disagree with the proposal and 10% strongly disagreed with it. The remaining respondents (8%) declared that they don't know or that they prefer not to say.

#### Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

#### Additional clarity on the proposals is needed across various aspects

The most prominent theme in Question 5 was a request for more clarity regarding the eligibility criteria for higher education providers. More specifically, respondents requested additional information on the following:

- the interconnection between the TEF ratings and the baseline quality and standard requirements (mainly the B3 requirements),
- how the voluntary participations will work and how the involved higher education providers will be affected,
- how these provisions will interact with relevant frameworks in the devolved nations (for example, how the eligibility criteria could be adjusted to reflect any changes in the quality and standards requirements of the devolved nations, namely those of the Scottish Funding Council, and how any potential public confusion will be avoided), and

- how the students within scope will be counted (that is, the way that apprentices, international students and students taught by a different provider than the one registered with will be taken into consideration).

*The relationship between the B3 annual review and the four-year TEF cycle needs to be clarified. With over 200 indicators and split metrics it is likely that institutions will, at some point in the four-year cycle, have metrics that fail to meet minimum B3 outcomes. What does the OfS propose to do with the TEF awards at that point? (An employee of a higher education provider)*

*For providers that are participating voluntarily—where they do not meet the automatic requirement to participate—we would welcome clarification in the final specification for TEF around how the panel will treat these providers where they may not have indicators available and how the panel will consider this when making their judgements. (An employee of a charity or third sector organisation)*

## Concerns on the availability/quality of the required data

The second most frequent theme was respondent concerns about the data required for the assessment. Respondents mentioned that the necessary data to make an objective and statistically robust assessment will be unavailable or of poor quality in many cases. According to respondents, this issue will affect smaller providers that barely pass the threshold of 500 students or more. The inclusion of non-prescribed (NPHE) courses in TEF's scope also raised concerns because of data limitation for these courses. Namely, it was mentioned that there is no National Student Survey (NSS) data for such courses, while data reporting procedures in general are less thorough. A specific example mentioned was that some colleges may have over 500 students, but with a large number of those students being enrolled on NPHE courses. Consequently, such providers wouldn't have complete data to be assessed robustly. Additionally, according to respondents, newly formed or merged institutions may also have insufficient datasets. Related to the concerns on the quality of data for some providers, some respondents highlighted that providers with less data (or lower-quality data) might be disadvantaged.

*We remain concerned that a lack of data will make it difficult for the panel to make a judgement, and that smaller and newer providers may be unfairly disadvantaged. [...] The OfS should provide additional written guidance to the panel to ensure that providers who are missing data, including Graduate Outcomes data, are not disadvantaged in the rating system. We do not accept that newer providers with no graduate data would not be able to achieve Gold if they are able to show excellence across their provision and excellence in their preparation of students for graduate success. (An employee of a charity or third sector organisation)*

## Concerns about the minimum number of students for mandatory participation

The next most frequent theme was disagreement with the threshold of 500 students for higher education providers' mandatory participation in the TEF. Respondents mentioned that such a threshold is not high enough to provide the TEF panel with the necessary data, and higher thresholds were proposed instead. Another consideration discussed was that a higher threshold would provide a more manageable workload for assessors.

However, a smaller portion of respondents that disagreed with the threshold level argued that there should be no threshold at all since the TEF should apply to every higher education provider. This was argued to ensure equity of the exercise and comprehensive regulation.



*We are also concerned that the threshold for mandatory participation of 500 students for only one metric is too low, and we do not think it is fair for a provider to be forced to participate and only receive a partial award because they don't have any/enough completion data to make a judgement. (Higher education representative body)*

*Given the burden of both submitting to the TEF, and the work of assessing submissions, we would suggest a higher minimum student number threshold (around 700 full-time equivalent, for example) would ensure that the number of submissions were such that assessors could reasonably manage the workload in a rigorous way. (An employee of a higher education provider)*

*As the proposals overall are a shift from recognising excellence to regulating excellence then it should be applied to all providers. (An employee of a higher education provider)*

*However, from an equity perspective, we believe that all providers delivering higher education should be included in the TEF. (An employee of a higher education provider)*

## **Concerns about the interaction between condition B3 (or other baseline conditions) and TEF ratings/category**

The next most common theme was a request to separate the baseline quality and standards conditions (mainly but not only condition B3) and the TEF ratings. While many respondents understood the need for some connection between the baseline requirements and the TEF, they also expressed concern on whether it is fair for a provider to lose (or fail to receive) its TEF rating owing to minor breaches of the baseline conditions. The fact that the breaches may concern courses that are out of TEF's scope (such as postgraduate courses) was also highlighted in responses.

Within this theme, respondents also mentioned that the timescales for determining the TEF ratings may overlap with the timescales for the baseline and standards conditions. It was argued that this could result in some TEF ratings being suspended soon after being awarded to the providers, and possibly confusing stakeholders who would form their decisions based on those ratings.

On the other hand, a smaller number of responses supported the connection between TEF eligibility and the baseline requirements.

*Moreover, it is entirely possible for a provider to be in breach of B3 conditions related purely to its postgraduate activity. Yet, under current proposals, this would affect its performance in the TEF, which is intended to award undergraduate teaching only, which may actually be very good for the provider in question. This unintended consequence needs to be prevented and adds weight to our ask for the regulator to be proportionate when assessing whether B3 conditions have actually been breached for the undergraduate teaching which the TEF is designed to assess. This should be done by taking into account the population size of the breach area. (An employee of a charity or third sector organisation)*

*It is appropriate that a provider has to satisfy the quality and standards requirements of the OfS before participating in the TEF. This means that the outcome of the annual B3 regulation process must be known before the provider embarks on completing a TEF submission. (An employee of a higher education provider)*

## **Concerns about the inclusion of non-prescribed courses in the scope of the TEF**

The next most frequent theme among responses to Question 5 was concerns about the inclusion of non-prescribed courses in the TEF's scope. This theme mainly concerns Proposal 6, but many



respondents mentioned it in their responses to Question 5. Apart from the issues already discussed in previous themes (that is, concerns about insufficient data for NPHE courses), the educational context of those courses was also a cause for concern and was described as considerably different than the context of other higher education courses.

Additionally, concerns about the accuracy of the counting methods of students were raised in responses. More specifically, it was mentioned that this provision will 'inflate' student numbers of higher education providers and will result in many smaller providers passing the threshold of mandatory participation without having the sufficient data and resources to make a promising submission.

*"Due to the OfS approach to student number calculation, within the college HE sector this would include a range of courses that have until recently been classed as non-prescribed/non-regulated. While it is right to look at the quality of this provision, these students are not paying fees comparable to other HE students, they do not have the same ambitions and are not near the equivalency of a full-time student. (An employee of a higher education provider)*

*[...] this change means that smaller providers (with numbers of fewer than 500 on prescribed HE courses) are suddenly thrust from being in the voluntary category for TEF application to the mandatory category. [...] NPHE students should not be included in TEF or B3 until a lot more work is done to understand this diverse category and produce meaningful data and robust benchmarks. (An employee of a higher education provider)*

## **Concerns about the impact of the TEF process and eligibility on small higher education providers**

An equally frequent theme compared to the theme above was the impact the TEF may have on small higher education providers. Respondents pointed out that the TEF could be particularly challenging and burdensome for small higher education providers because participating in it requires specific infrastructure and resources that these providers may not have.

On the other hand, it was mentioned that there is a need for alternative solutions which will allow the OfS to recognise excellence within small (and specialist) providers that cannot participate in the TEF. This request was related to demands for a formal way of showing publicly that a provider is not eligible to participate in the TEF. This was argued to help avoid misunderstandings around the quality of the services of small providers.

*We tend to agree that the proposals for provider eligibility appear to be fair. Our only comment is that we would ask that timescales to action or respond to TEF materials be decided in consultation with smaller providers given that they are typically significantly underresourced compared to larger higher education institutions. (An employee of a higher education provider)*

*In my experience there are many very small higher education providers where provision and outcomes exceed that of larger higher education providers, yet there does not seem to be any clear, transparent and easily accessible routes for such providers to make an application. The whole process doesn't come across as welcoming diversity. (An employee of a higher education provider)*

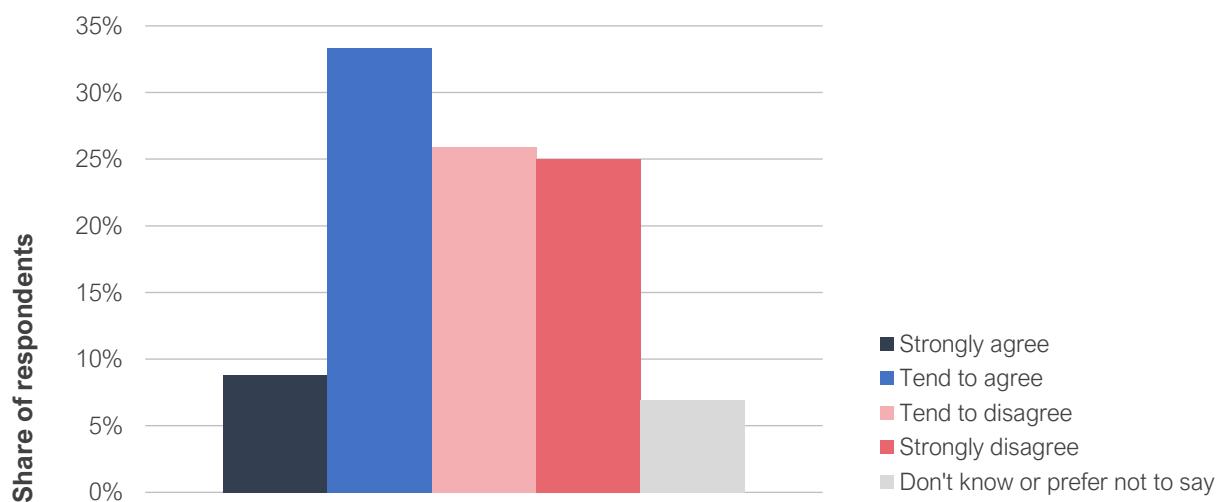
*We agree that it would be good to have a threshold for mandatory participation; however, we feel it would be valuable for smaller providers who are not eligible, or who are not obliged, to take part in the TEF to have a formal way of showing this publicly. This could negate being seen by the public, including students and other stakeholders, as a lesser provider, or a provider who has not met the baseline requirements. (An employee of a higher education provider)*

## Agreement about the threshold for eligible providers

Finally, an equally frequent theme compared to the theme above was respondent approval of the threshold of 500 students for higher education providers to be eligible for mandatory participation in the TEF. An equally prevalent theme was agreement with TEF's provisions without further explanations.

## Question 6

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



One-third (33%) of respondents tended to agree with the proposal for courses in scope and 9% strongly agreed with it. In addition, 26% of respondents tended to disagree with the proposal and 25% strongly disagreed with it. The remaining respondents (7%) declared that they don't know or that they prefer not to say.

## Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

### Only courses taught by providers should be within the TEF's scope

By far the most frequent theme in Question 6 was the request to include in the TEF's scope only courses that are taught by participating providers. It was highlighted that even though it is reasonable for higher education providers to be held accountable for the academic standards and quality of their partners, they cannot ensure teaching excellence for courses that take place outside their campus. Hence, many respondents argued that teaching providers are the ones that should be held accountable in each case. Within the same topic, duplication of effort was mentioned as an additional disadvantage of including all registered students in the TEF's scope.

A very small portion of respondents expressed support of this provision mentioning that subcontracted courses should be within scope, and even in these cases, some comments mentioned that issues of double-counted students will come up.



*We are not in favour of the inclusion of registered students in the scope of the TEF. The core purpose of the TEF is to identify excellence in provision in creating a learning environment and impact on students. We therefore do not think it is fair to have registered students who are not taught at the provider within scope for this assessment. We believe this would amount to a duplication of regulation at both the taught and registered provider in many cases, which is not in the interests of students as it will create an excessive regulatory burden for the sector. (An employee of a higher education provider)*

*We agree with the inclusion of subcontracted provision in the courses in scope as this provides consistency with the quality code. However, we note that this does mean that some students will be counted twice for both their registered provider submission and the delivering provider submission. (An employee of a higher education provider)*

## **Concerns about the TEF's impact on franchise/partnership agreements**

The second most frequent theme was respondent concerns about the impact of the TEF on franchise, merger and partnership agreements between higher education providers. Most respondents that supported the inclusion of only taught courses in the framework also expressed concerns about TEF's impact on such agreements. More specifically, most responses within this theme argued that the current proposals will increase the regulatory burden for providers. According to respondents, this additional burden will disincentivise providers to form or maintain partnerships with other providers. These issues were considered by respondents important not only for smaller providers who will find it very difficult to acquire partners, but also for students from underrepresented groups who usually benefit from this kind of agreement between higher education providers.

*We are concerned that this may make providers that validate qualifications for others more risk averse. Their overall excellence rating will be influenced by the quality of courses they do not themselves provide. It may well become more difficult for smaller providers to find validating institutions if these courses are included in the scope of the TEF. This may well be the case even before they are included, as providers will want to insure themselves against this provision becoming part of the TEF in the near future. (An employee of a charity or third sector organisation)*

*We believe the proposed approach could have a counterintuitive effect on partnership working between higher education institutions and further education colleges. College HE needs to be protected and developed to help offer opportunities for HE to students from underrepresented backgrounds and this relies on validations and franchise agreements with higher education institutions. (Higher education representative body)*

## **Additional clarity and engagement on proposed in-scope courses needed**

The next most frequent theme was about requests for more specific guidance and clarity about the proposal for courses in scope, focusing on the level of included courses and the inclusion of specific student groups in outcome indicators (such as, exchange students, short-course students and apprentices). Other respondents asked for additional information on the way that partnerships between providers will be assessed and how the exclusion of postgraduate courses will be treated.

In addition, many respondents were broadly in agreement with the proposal not to consider Transnational Education (TNE) in-scope for the next TEF exercise, with institutions having the option to include them in their submissions or not. However, they stressed that they wanted to be consulted before further changes are made. The main reason cited was the complexity to approach these courses in a consistent manner, and the lack of available and comparable datasets.



*An exercise that excludes a considerable proportion of students is not ideal and the OfS will need to consider how to manage the ambiguity that may arise if prospective postgraduate students see a provider's TEF rating and assume this is based on students at all levels of study rather than only undergraduate students. (An employee of a charity or third sector organisation)*

*Apprenticeships are included but they already come under Ofsted and OfS; however, the inclusion of higher or degree apprenticeships is not made clear in the documentation. The proposal is not clear around the government policy of lifelong learning and allowing for shorter modularised opportunities for HE learning and their measured outcomes. (An employee of a higher education provider)*

*Can we have clarification on how international students returning to their home country would be included in Graduate Outcome metrics? (An employee of a higher education provider)*

*As with the proposals for condition B3, it is unclear how these proposals take into account partnership provision that is not franchised or validated, where there is more than one degree-awarding body. (An employee of a higher education provider)*

*We support the decision to exclude TNE and modular courses from mandatory inclusion because of concerns about data quality and availability across the indicators. However, the suggestion that providers can include these courses within their submissions is equally welcome. We would be keen to work with the OfS to explore how these forms of provision might be brought into the TEF in the future, and how their contribution to a rating can be fairly judged by the panel. (An employee of a charity or third sector organisation)*

## **Concerns about the accuracy of methods to count students**

This theme is closely related to the most frequent theme within this question. Many respondents that supported the inclusion of only taught courses expressed their concerns that any other approach would lead to inaccurate ways of counting the students within scope. Double counting of students was one of the most common concerns, while respondents identified other potential issues, including how apprentices will be taken into consideration.

*Paragraph 108 states that some students may be double counted—that is counted towards the evaluation of both a registering and teaching institution. Will this give undue emphasis to these students? If such students have an excellent experience, two institutions will benefit and if such students have a poor experience, two institutions will be penalised. To avoid them being counted twice should they have half the weight for each institution? Perhaps this is an attempt to make sure these students are given good, if not preferential, treatment by both involved institutions? (An employee of a higher education provider)*

*This [including registered students, instead of only taught students] also risks significant duplication for some providers [...]. There is also no clear indication of how student submissions might be undertaken in such a scenario. There is a risk of overlap within degree apprenticeships where there is crossover with Ofsted. (An employee of a higher education provider)*

## **Mixed views about the exclusion of postgraduate courses from the TEF**

The views about inclusion or exclusion of postgraduate courses were mixed among respondents. The next most frequent theme was respondent support of the exclusion of postgraduate courses from this TEF exercise. However, the request to include postgraduate courses and students was also a common theme.



According to respondents in favour of including only undergraduate courses in the TEF assessments, undergraduate courses are the ones that can provide sufficient data on student satisfaction and Graduate Outcomes. Also, the fact that the context of postgraduate courses is different from that of undergraduate studies was mentioned as a reason for agreement with the current proposal. On the other hand, respondents who disagreed with the current proposal pointed out that postgraduate students are a significant part of higher education and should not be excluded, even if it is understandable to include only undergraduate courses at this point.

*[...] agrees that the TEF should consider undergraduate courses. It is not appropriate to include postgraduate courses due to the completely different attributes between the levels of provision. (An employee of a higher education provider)*

*We also urge the inclusion of postgraduate courses as that is part of a provider's provision and should be considered highly alongside undergraduate courses. The OfS should be aware that most postgraduate communities already feel excluded from student communities. Not including them further increases the gap of exclusion. (An employee of a student representative body)*

## Disagreement with including non-prescribed courses in the TEF

The next most frequent theme is concern about the inclusion of NPHE courses in the TEF's scope. This theme was also commonly discussed in the previous question, with respondents making similar arguments. The educational context of NPHE courses was described as considerably different from the context of other higher education courses, and the issues regarding the availability and the quality of the necessary data were highlighted again.

*Non-prescribed HE courses should not be included in TEF. Similarly, NPHE courses should not be included in 'other UG' for B3 purposes. The nature of these courses (length, modality) is not suitable for TEF assessments as it applies to prescribed HE courses. Key metrics (progression, Graduate Outcomes, national student survey) are not available for these NPHE courses and it is not clear how this will be measured for TEF purposes if datasets are absent. This would again be a burdensome exercise for providers if these courses were to be included in TEF. (An employee of a student representative body)*

## Concerns about the availability and quality of the required data

The next most frequent theme was concerns about the data required for an objective and statistically robust assessment of participating providers. In this question, this theme was related mainly to concerns about the inclusion of non-prescribed (NPHE) and subcontracted courses in the TEF's scope, as these courses are expected to have insufficient data.

*Disagree .... our concern relates to which data is to be included—for example, while not part of our programmes, the place of integrated masters and in particular with different measurements used for the National Student Survey data and the data to be taken from B3—it is hard to see how the information can be used for contradictory purposes. (An employee of a higher education provider)*

*We disagree that non-prescribed HE courses should be in scope for TEF. In further education colleges, these courses are not always managed and delivered as part of the wider HE offer. This is not to say that there is not excellence in their delivery, but that it may be more challenging to evidence this (particularly where there is a lack of data—for instance, progression and national student survey data). (An employee of a higher education provider)*

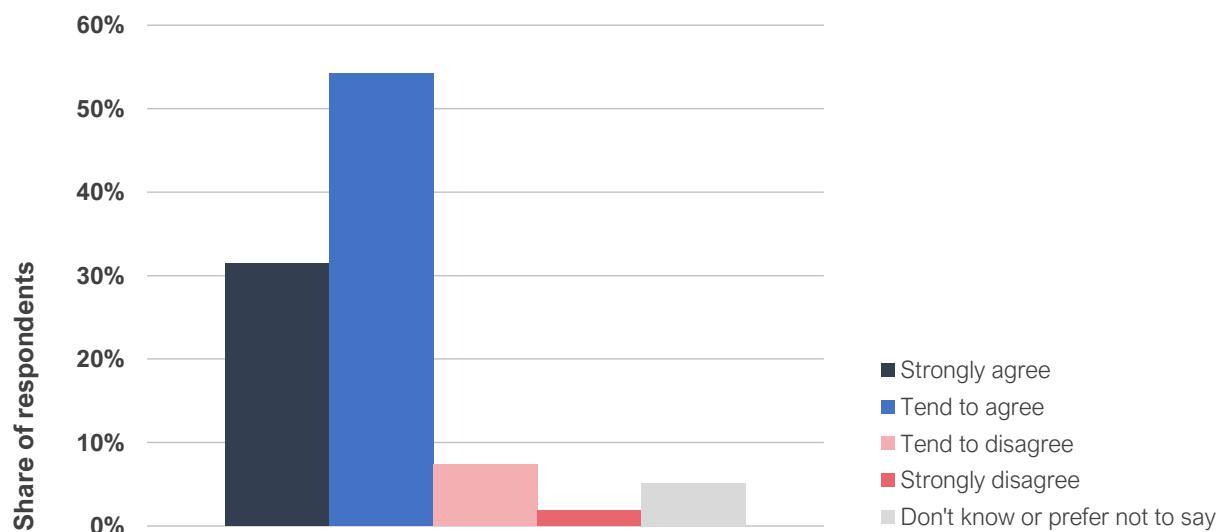
## Section 3: Evidence

### Questions covered in this section

This section discusses responses to proposals 7, 8 and 9 and the questions associated with them. These proposals cover OfS's suggestions regarding provider submissions, which refer to evidence of excellence in relation to the experience and outcomes of their students; and student submissions, which, despite being optional, should be encouraged and represent student views about the quality of their experience, and the description of the indicators. Proposal 9 refers to the construction of the indicators and the benchmarking methodology to indicate how well a provider has performed compared to students on similar courses within the higher education sector.<sup>16</sup>

### Question 7

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



Over half (54%) of respondents tended to agree with the proposal for provider submissions, with 31% of respondents strongly agreeing with it. In addition, 7% of respondents tended to disagree with the proposal and 2% strongly disagreed with it. The remaining respondents (5%) declared that they don't know or that they prefer not to say.

### Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

<sup>16</sup> In parallel to this consultation, two additional OfS consultations were published focusing on the regulation of student outcomes and the construction of data indicators. Question 9 discussed in this section may include themes overlapping with the consultation on the construction of data indicators. All consultations are available here: <https://www.officeforstudents.org.uk/outcomes-and-excellence/>

## Additional clarifications are needed

The most frequent theme highlighted the need for clarification about the proposed guidance on provider submissions. Respondents expected detailed and clear guidance on provider submissions with examples, and a list of required evidence and data. This was considered more important for small providers, which may be applying for the TEF for the first time. Requested clarifications concerned, among others, evidence used to assess educational gain and the data gathering methods. Some respondents were worried about potential conflict between different policies and agendas, such as the levelling-up agenda and student outcomes.

*We stress that it is particularly important for OfS to support provider submissions with clear guidance around structure and the types of evidence that should be included, including the range of data and initiatives that will be usefully considered as reflecting educational gain. [...] Comprehensive and detailed guidance will also be essential to help ensure a degree of standardisation and parity in submissions and the assessment process. (An employee of a higher education provider)*

We have some concerns about potential tensions between the widening participation/levelling-up agenda and the expectations around outcomes [...] (An employee of a higher education provider)

For other respondents, some concepts were not clear enough, such as what 'educational gain,' 'positive evidence of excellence' or 'the expectations of student involvement' refer to. This was seen to have two impacts: on the one hand, respondents believed that page limit should increase to give providers the space to explain the concepts, while on the other hand, it could lead to inconsistent judgements.

*We would, however, argue that the decision to increase the length of the provider submissions to a maximum of 20 pages to include an explanation of 'educational gain' puts undue burden on providers by asking them to account for a concept that the regulator itself has heretofore been unable to define and explain under its previous guise of 'learning gain.' By passing the burden on to providers to define 'educational gain' themselves, the measure will not be consistently defined across the sector. This undermines the concept of the level playing field that the regulator should be seeking to uphold and could create further distortion in judgement during the panel assessment stage. (An employee of a charity or third sector organisation)*

## Concerns about page limits

The second most common theme related to the length of the provider submission. Respondents believed that institutions with large, diverse and complex provision may need more space to explain their context, thus leaving less space for other evidence. For example, some respondents worried that, given the length of the submission, they may not be able to address every split indicator. On the other hand, providers with a more homogenous student population would have the opportunity to include additional information, resulting in incomparable submissions. Overall, respondents believed that the increase from 15 to 20 pages does not appropriately reflect the increase on the submission weight and the volume of evidence and data required. Some suggestions to address these concerns included capping the length based on complexity of the institution, and counting characters instead of pages, excluding graphs, tables and references.

*We have concerns that the 20 page limit is not linked to the size and complexity of individual providers. Small institutions of 500 to 1000 students will be able to present much more nuanced data round their different student cohorts compared to large mainstream HEIs<sup>17</sup> which have multiple faculties and courses, and complex initiatives to develop excellence. The page limit also does not allow HEIs the space to respond effectively to the uneasy balance the OfS requires between an overall provider rating and the consideration of excellence across all course types and subjects and thus all students. Where there is a dissonance between an overall provider-level assessment and certain groups of students or courses, this will require evidence and lengthy explanation which will not be possible in 20 pages... (An employee of a higher education provider)*

## Optionality of the template

The third main theme was a doubt about whether the template should be mandatory or remain optional. Some preferred a clear, compulsory template to promote consistency and comparability, as well as to ensure a fair and equitable process. However, others preferred to keep it optional, as it provides more flexibility and customisation for each provider.

*Although point 123 in the document states the 'template would not be mandatory,' we ask the OfS to consider making it mandatory to ensure consistency of presentation of, for example, data and the assessment of providers. (An employee of a higher education provider)*

*We agree that a broad structure and template for submissions will be helpful in encouraging consistency and facilitating comparability of assessment, while the option not to use the template provides flexibility for institutions to adapt their approach as appropriate. (An employee of a higher education provider)*

## Concerns about timeline for provider submission

The fourth theme was concerns about the timeline proposed for the submission. Respondents argued that there is a short time to implement the TEF exercise and that they must comply with many other regulatory requirements. Also, they worried that the submission window coincides with the start of the academic year, increasing the workload during that period.

*We are concerned about the timing and duration of the submission window (see also proposal 15 below). There will be a relatively short time to produce a submission following publication of the template and guidance at an extremely busy and stressful time coinciding with the start of a new academic year. In any normal year this would be difficult but coupled with the additional support required for students post-COVID will put considerable strain on institutions. (An employee of a higher education provider)*

## The creation of additional regulatory burden

The next most frequently raised theme was around the regulatory burden of the proposal, particularly on smaller institutions. According to respondents, these providers may not have the human resources required to cover all aspects of the submission, resulting in the same people overseeing several tasks. Another factor that was mentioned as potentially increasing the burden, both on small and big providers, was the verification process, as evidence is requested to be collated and located in an accessible location to ease the ability of verification.

<sup>17</sup> Higher Education Institutions (HEI)

[...] As mentioned above, the burden on small providers to produce quantitative and qualitative evidence as part of this is huge and small providers simply do not have the resources to dedicate teams to this exercise. (An employee of a higher education provider)

[...] We believe that this [the verification process] will create a layer of new bureaucracy that might unhelpfully create digital versions of what used to be the Quality Assurance Agency subject review base rooms. (An employee of a higher education provider)

## Proposals for training TEF panels

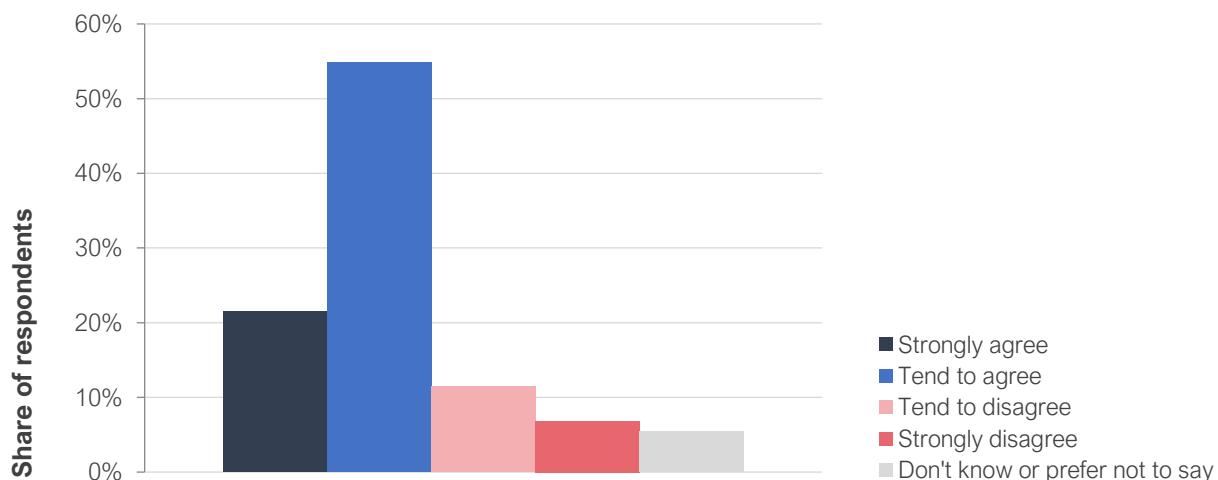
The last theme raised by respondents was the belief that the panel should be trained to make consistent and fair judgements, given the subjectivity of the presented evidence. Any such training and guidance offered to the panel should be also shared with providers in advance, facilitating understanding of the weightings and context of the submissions for both the panel and providers.

*Furthermore, in relation to the provider submission, the university seeks additional clarity in respect of the principles and guidelines to be followed by the TEF panel, when assessing provider submissions (as well as student submissions and indicators). Any guidance developed to assist with conducting an objective and calibrated assessment should also be shared with providers (and student bodies) in advance, and in a timely manner, to inform the development of submissions. (An employee of a higher education provider)*

## Question 8

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



Over half (55%) of respondents tended to agree with the proposal for student submissions, and 21% of respondent strongly agreed with it. In addition, 11% of respondents tended to disagree with the proposal and 7% strongly disagreed with it. The remaining respondents (5%) declared that they don't know or that they prefer not to say.

## Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.



## Additional clarifications and guidance are needed

The most frequently mentioned theme was related to the guidance and template that the OfS will provide to students, specifically clarifications on how to gather and handle the data, as well as the form of support and feedback provided. These concerns were particularly prominent in relation to providers that do not have students unions or have predominantly part-time students. Some respondents also requested additional details on the alternative formats and length limits when submissions are not written (such as, a film).

While some respondents questioned the need for an independent student submission, others requested clarification on how independence will be ensured, given that providers will nominate the TEF student contacts, and they may also help students with their submission.

As with the provider submission, some respondents believed that certain concepts remain unclear such as 'educational gain' and the features of excellence outlined in Annex B. This was emphasised in relation to the proposed timeframe, as students will not have access to the provider's submission, thus increasing the risk of inconsistencies, for example on the definition of educational gains.

*We feel that this is particularly necessary for student outcomes as this area appears to be subjective, and a TEF student contact is likely to require more guidance on what is considered to be an educational gain in order for them to be able to effectively gather evidence and comment on student outcomes. (An employee of a student representative body)*

*It is also not clear what evidence/information the student submission should draw upon and whether this would be focused on academic learning gain, or a more holistic approach and the gains made through co-curricular experiences and opportunities. This could be particularly challenging because the deadline for both the provider and student submission is the same. Therefore, the TEF student contact may not have access to the provider's submission in advance of the deadline and so may not understand how the provider is defining their educational gains. This may result in the student submission not covering the same educational gains as identified by the provider. (An employee of a student representative body)*

## Concerns about the timing for student submissions

The second most frequent theme is related to the timing for the student submissions. To begin with, respondents said that the submission window would overlap with the new academic year, which does not help with gathering feedback from students. Additionally, the proposed timing raised concerns about the continuity in submission preparation, since the student submission window coincides with the appointment of new representatives. Moreover, respondents pointed out that at that period, student unions are inducting their sabbatical officers into their new roles, so they may not have time to make a comprehensive submission.

*The timing of the exercise in September to November 2022 is likely to be problematic for students. At this point in the year sabbatical officers are new in post and students have not yet had the opportunity to elect their course representatives. Students will be very busy starting their new term, and the submission window of six weeks is unlikely to give them time to fully consult with the student body or engage with preparing a submission. There is therefore a risk that the submission will include only the views of sabbatical officers rather than the wider student community. (An employee of a higher education provider)*



## Concerns about the impact of student submissions on provider ratings

The next most frequent theme was provider concern about the weight that the panel will give to the student submissions in their assessments. As the existence, size and engagement of student unions varies between institutions, providers requested clarification on how the student submission will impact the provider rating.

Moreover, respondents raised concerns about the lack of a verification process for student submissions. In order to ensure an accurate representation of student views on the provider rating, some emphasised the importance of rigour and representativeness of the student population. It was argued that these can be ensured by a verification process similar to the one carried out for the providers.

*Further clarification is needed on the weight given to student submissions in the assessment process and the implications for the provider where students choose not to make an independent submission [...]. This is particularly important if the student submission is encouraged but optional, if students can instead choose to contribute through the provider submission (which may be an indicator of a strong partnership with the student body), and if student submissions will not be subject to the same verification processes as provider submissions. (An employee of a higher education provider)*

## Concerns about student bodies' workload and resources

The next most common theme is related to the workload of student bodies. Some respondents were concerned that small providers do not have teams exclusively resourced to support the student submission, thus significantly increasing the workload for those involved. This is because in some cases representatives may also be full-time students (for example, in further education colleges), or certain positions are not formalised, such as sabbatical roles. Therefore, respondents suggested that compensation was necessary for students, such as financial support; and that providers and students should share the data.

On a related issue, a respondent also mentioned that the inclusion of registered students within the scope of the TEF would have resource implications on student bodies. More specifically, student bodies will be required to expand their current support to partner institutions to ensure the views of students in those institutions are included in the student submission.

*It must be recognised, however, that in small, specialist institutions the intensive teaching timetable places pressure on student capacity to engage with these kinds of exercise as does the limited student union infrastructure. This issue is exacerbated by the proposed timing with the short period available for preparation of the submission overlapping with the annual changeover of student union officers, most of whom are unpaid and still in full-time study. There is a danger that a negative connotation will be put on shorter, less polished or absent student submissions which could unfairly disadvantage small providers. (An employee of a higher education provider)*

*We welcome the opportunity to be able to submit a student submission. The student lead should have a SU staff member as a second nominee to ensure that there is support in research and writing the submission. The expectation to include registered students rather than just students taught at the university, will require the SU to expand its current support to partner institutions for which it is not currently resourced to do so. (An employee of a student representative body)*



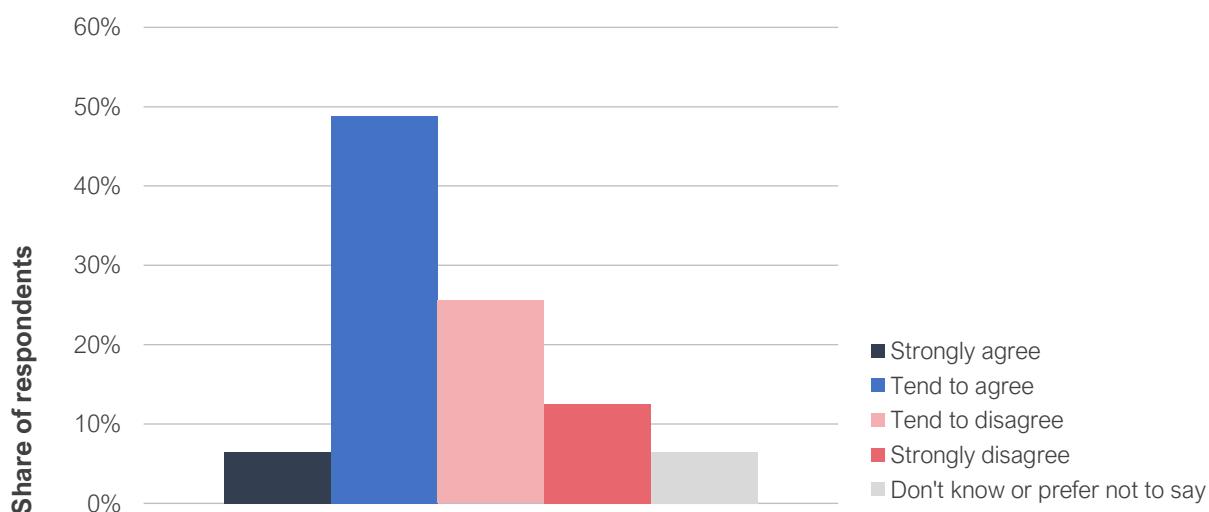
## Concerns about the representativeness of students

The last main theme related to concerns about the representativeness of students in unions. Respondents in this theme doubted that student unions, sabbatical officers or guilds represent all the population of students, especially underrepresented groups such as TNE students or international students.

*Students from the most underrepresented groups, who may face the greatest barriers to active engagement, have the greatest difficulty in having their voices heard. Additional guidance and ideally resources for student representative bodies to reach all students would be welcomed to ensure that the submissions are as inclusive as possible. There are particular risks that students at partner institutions, especially international partners, will be underrepresented. (An employee of a higher education provider)*

### Question 9

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



Almost half (49%) of respondents tended to agree with the proposal for indicators and 7% of respondent strongly agreed with it. In addition, 26% of respondents tended to disagree with the proposal and 13% strongly disagreed with it. The remaining respondents (7%) declared that they don't know or that they prefer not to say.

### Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

## Concerns about the data collected through the National Student Survey and the Graduate Outcomes survey

The most frequent theme was related to the surveys proposed for constructing the indicators, the National Student Survey (NSS) and the Graduate Outcomes (GO) survey. Most respondents who expressed concerns about the NSS highlighted that the data collected through it is volatile, skewed or sometimes unavailable. Some of the reasons for these issues discussed in responses included:



- lack of participation because the survey is optional,
- the fact that some providers and students do not have access to these surveys (for example, small further education providers, top-up students or students of non-prescribed/non-regulated higher education),
- boycotts promoted by students for not completing the survey,
- the fact that the NSS is subject to continuing review and, therefore, there is uncertainty about using the data as a basis for the model, and
- the impact of the pandemic, which varied across institutions, especially those whose students had poor access to technology.

Some respondents that agreed with the proposal believed that the data proposed for inclusion could be improved by adding additional questions on topics such as learning communities and learning opportunities.

Regarding the GO, respondents believed that the survey is new and still evolving, and that a 30% rate of responses is not sufficient to count as representative of a cohort. Finally, some respondents mentioned their reluctance to use only Standard Occupational Classification 2020 (SOC) classifications 1-3 to define a career and characterised this approach as simplistic. According to those responses, using these SOC codes will have a disproportionate impact on some subject areas, thus excluding graduates who enter highly skilled jobs such as health, education and care (SOC 4).

*There are also some issues around the NSS and its ongoing review. Certainly, if participation in the NSS is optional then there may be some benefit in certain institutions opting out, as well as considerable inconsistency across the measures used. We seek clarity from the OfS on how it plans to advise panels on making fair and consistent judgements under these circumstances to ensure providers are not inadvertently disadvantaged (or advantaged) by availability of NSS data. (An employee of a higher education provider)*

*We have also previously articulated how the SOC classification is not in and of itself the only way to classify a highly skilled job and we have a list of examples of where our graduates are in highly skilled work, including in the care sector, the creative industries, education and agriculture, and we are concerned that the current approach both penalises providers who equip their graduates for genuinely skilled work not recognised in the current SOC, and may also unintentionally stifle innovation in industries who are developing graduate routes and further professionalising their workforce. (Higher education representative body)*

## **Disagreement around the proposed indicators for measuring student outcomes**

The next most frequent theme is related to the three measures of student outcomes: continuation, completion and progression. Some respondents disagreed with the 'progression into managerial or professional employment or further education' being the main measure of progression. The reason for this was the existence of external factors, unrelated to the quality of teaching, which may impact on student progression into employment. Some of these factors mentioned by respondents were the regional differences in the impact of the pandemic and consequently on labour markets, and the socioeconomic background of students.

In addition, some respondents believed that focusing on SOC groups 1 to 3 is inconsistent with the proposals for capturing the value of HE. They proposed a wider range of indicators, approximating, among other, the local economic contribution of providers and their graduates.



*Disagree with the inclusion of 'progression into managerial or professional employment or further education.' There are factors which can influence this which are beyond an institution's control—such as, personal choice of student to delay going into a career, geographic factors where employment in graduate jobs is more limited and the individual circumstances of the student. (An employee of a higher education provider)*

Regarding the continuation indicator, some respondents pointed out that students' withdrawal from their studies usually relates to health and/or social problems. While providers acknowledged the importance of this metric, it was not seen as within the scope of quality education as defined in the consultation. Additionally, respondents suggested that the OfS should not be comparing populations of different providers on the same terms.

*[...] A student beginning a first degree course at level 4 who completes the first year but chooses not to return for Year 2 could still be counted as a positive continuation outcome if the provider issues them with a level 4 exit award, such as a certificate of higher education. This would not be the case for any student completing a foundation year as any exit award would be at further education level and, thus, not counted as positive. This would put any provider that recruits significant numbers to courses with a foundation year at an inherent disadvantage and would disincentivise recruitment to Year 0 in general. (...) We would recommend that the population of entrants for the continuation indicator should either exclude students studying on a foundation year or should include as entrants any student in their first year of HE level study [...] (An employee of a higher education provider)*

## **Concerns about the burden and accuracy of the split indicators and the data sources**

The third most common theme related to concerns about the volume and suitability of the proposed indicators. Some respondents emphasised that the level of granularity of the split indicators, as well as the complexity and volume of data hinder their improvement efforts and make accurate assessments challenging, thus placing an increased burden on providers and the TEF panel. Furthermore, some responses mentioned that including both taught and registered students is likely to end up incorporating a lot of data which isn't directly controlled by the provider and disincentivise universities for validating the provision of FE colleges.

*These proposals are totally unmanageable for both providers and the regulator and, when published, for the wider population. The proposals outlined would create thousands of indicators, split indicators and datapoints—not the 48 stated by the OfS in the consultation. This would result in a huge regulatory burden—both for the OfS to assess and prioritise the data and for providers to go through the vast swathes of data proposed. (An employee of a higher education provider)*

Respondents also raised concerns about specific data sources and measurements that were proposed to be used in the construction of indicators. For example, some respondents argued that associations between characteristics of students are difficult to replicate and rarely used within the university sector. Additionally, the Free School Meals (FSM) metric includes only students who hold a record in the DfE National Pupil Database. Thus, it was argued that some students will be excluded, and the indicators will underrepresent the population of students who are eligible for FSM. Finally, some respondents expressed their disagreement with the inclusion of NPHE courses in the indicators, as data for these courses is limited. For example, as mentioned above, the NSS data does not currently include students in NPHE courses.

## Clarifications about the indicators and their interpretation

The next most common theme highlighted the need for clearer guidance, how indicators will be interpreted and how they interact with the submissions. Among other topics, respondents mentioned that additional clarification is needed on:

- how TEF and B3 conditions intersect—for instance, if an institution could receive a Gold rating but then ‘fail’ B3,
- OfS expectations on the assessment of educational gain, as there is no specific metric,
- the extent to which the provider/student submissions should address each of the modes of study, given that indicators are presented for each of these,
- how many underperforming subject areas would impact the rating,
- how the size of a cohort will impact the provider rating,
- how the benchmarks are constructed—especially in relation to socioeconomic factors,
- how the NSS data is weighted with the other metrics,
- whether the annual TEF indicator dataset will be available to those institutions from devolved administrations who decide not to make a submission,
- what is meant by ‘level’ of study on undergraduate (UG) study, and if it refers to full-time equivalent year, meaning that they assume that year 1 of a UG degree is at level 4, and year 2 at level 5,
- the differences between the continuation and completion indicators and the reasons behind using both, as, according to a few respondents, the first one is subsumed within the latter, and
- the OfS role in apprenticeships versus the role of Ofsted, as it was argued that they seem to overlap.

Another issue raised related to the interpretation of the panel of indicators. Firstly, there were doubts on how the panel would address the absence of NSS indicators and how it would evaluate split indicators against the overall indicator if the latter is rated very high or outstanding, but split indicators do not meet that criterion. Secondly, according to respondents, panel members should have guidance explaining benchmarking limitations, particularly for part-time students who study flexibly and may take longer to complete their courses. Finally, some respondents were concerned about the disproportionate impact of the pandemic over the last two years and how the TEF panel will address the potential variability in indicators in their own decision-making.

*Further guidance on the way that split metrics and subject level indicators will be used would be welcomed as it is not clear from the consultation to what extent ‘pockets’ of excellence, or lack of excellence, would impact upon the aspect outcomes or institutional outcome. (An employee of a higher education provider)*

*We agree with the selected student outcome indicators, but wonder to what extent the continuation and completion metrics are correlated; what added value is there in using both? We would like to see the tracked completion indicator used. (An employee of a higher education provider)*

## Concerns about data inconsistencies across indicators and different countries

Providers also expressed concerns about the variation in timing of the indicators and the years to which they refer. More specifically, respondents were worried about the different reference years in the data used for the continuation, completion and progression indicators, as well as the NSS data.

Those responses highlighted the need for clear guidance and explanation of these inconsistencies for external audiences. On another topic, respondents highlighted that retention data across the UK is not comparable.

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

## Considerations about benchmark and statistical uncertainty

The next most common theme was various concerns about the proposed approach to benchmarking and statistical uncertainty of the indicators used. Regarding benchmarking, some respondents suggested that absolute values should be considered more widely and be treated as evidence of outstanding quality. Other respondents emphasised the importance of benchmarking groups sufficiently covering all provider and student characteristics, while others proposed that benchmarks should be based on standard deviations (2 or 3).

In terms of statistical uncertainty, some responses indicated a need for additional information on how providers should weight indicators with lower statistical confidence. Statistical uncertainty was a concern especially for small providers and apprenticeships, as respondents doubted the robustness of these benchmarks because of the small size of these cohorts, among other factors. Specifically, respondents in this subtheme highlighted that small population sizes can limit statistical validity of results as outliers will have greater impact.

*We welcome the proposal to treat continuation scores of 95% or above as 'outstanding,' regardless of benchmark. We are, however, concerned that—unlike previous iterations of TEF—high performance in absolute terms on other metrics is not treated as evidence of outstanding quality. We think this principle could be extended to other metrics where there is a high benchmark (for instance, completion, where our benchmark is 95%). (An employee of a higher education provider)*

*Using the NSS indicator as the measure for small-scale providers is flawed, and we feel inappropriate for small-scale FE providers. This is because such providers often have very few students who are eligible for the NSS, making their NSS data vulnerable to being skewed by statistical outliers. [...] Our small amount of NSS data would, we feel, not add much value to any submission that we would provide. (An employee of a higher education provider)*

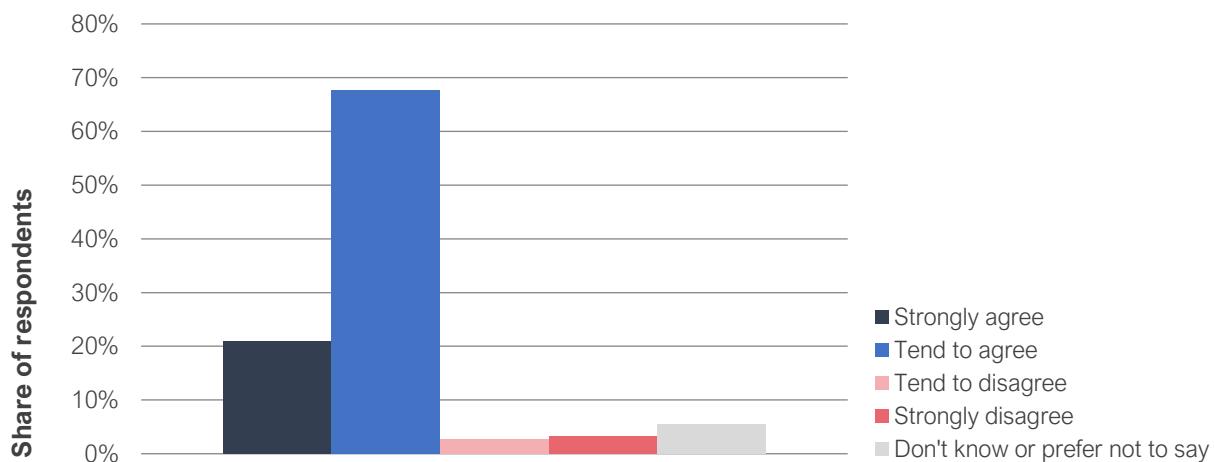
## Section 4: Assessment

### Questions covered in this section

This section summarises key themes discussed by respondents to the consultation in questions related to proposals 10 and 11. Those proposals present how the OfS suggests the decision-making process and the TEF assessment should take place. Namely, it includes the expert review process, the approach to decision-making and representation, as well as the evidence weighting to form ratings.

#### Question 10

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



Over two-thirds of respondents tended to agree with the proposal for expert review and 21% of respondent strongly agreed with it. In addition, 3% of respondents tended to disagree with the proposal and 3% strongly disagreed with it. The remaining respondents (6%) declared that they don't know or that they prefer not to say.

#### Thematic analysis

While the vast majority of respondents tended to agree with the proposals for expert review, they also mentioned some key concerns and areas in which they suggested improvement. The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

#### The OfS should ensure the diversity of experience of panellists in the recruitment process

The most common concern among respondents was that the OfS should ensure that panellists have an appropriate diversity of experience. According to respondents, the OfS needs to establish the criteria on how the expert panel will be selected, how diversity will be achieved and specify the skills and aptitudes the OfS is looking for in panellists to reflect diversity in the sector. Specifically, many respondents pointed out that panellists must have a deep understanding of higher education in FE and college based HE (CBHE) contexts, as well as the specific issues around smaller providers.



Respondents also mentioned that panellists must have skills in different fields, such as education, health, humanities, science, creative arts and design, as well as a good understanding of the topics around equality, diversity and inclusion. Lastly, according to respondents, panellists need to reflect the diverse geographies of England and the devolved nations when assessing non-English HE institutions.

Regarding employer representatives, while a few agreed on not including a place for them in the panel, more respondents had concerns about this exclusion, given the focus on progression within student outcome indicators and assessment. Those respondents considered that employer representatives would add to the group expertise to assess student careers and employability. Finally, some respondents mentioned that there is a gap in the representation of professional associations, charities and bodies that support and enhance teaching excellence, as well as regional and national networking organisations of education providers—for example, SEDA, Advance HE, Heads of Educational Development Group (HEDG), Association for Learning Design in HE (ALDinHE), National Teaching Fellowship (NTF) holders and the Principal Fellows of the HEA (PFHEA).

*The commitment to ensure that review panels are diverse and include representatives with a broad range of perspectives and experiences is welcomed. While recognising the scale of the challenge, it is recommended that consideration be given to ensuring that the 'detailed' review of providers be undertaken by panellists with an appropriate diversity of experience to understand the context of the specific learning experiences and outcomes under review—that is, that to a certain degree the characteristics of the panellists should match the institutions they review. (An employee of a higher education provider)*

*With such strong emphasis being put on progression it would seem sensible for the panel to include permanent employer representation, but perhaps from bodies that already successfully represent employer interests in terms of graduate skillsets and recruitment to different types/grades of role within the SOC system. This permanent access to expertise might even assist in a broadening the definitions of positive and neutral outcomes which we have already pointed to as a flaw of the current proposals, and with respect to the acknowledged limitations of the GO survey data. (An employee of a higher education provider)*

## **Additional clarification needed about the decision-making process**

The second most frequent theme is related to the decision-making process, particularly the organisation of the panel, the calibration process, the representations to be made by providers and the communication of the ratings. Regarding the small panels (this term was used by respondents to refer to the small number of panel members who will undertake the first consideration of providers), respondents requested additional clarity on how these panels will be comprised and how they will operate (for example, whether smaller panels will be chaired, the number of panels and panel members, whether these panels will change over time, and how consistency between panels will be achieved).

Regarding larger groups of panel members, respondents asked how a larger panel will relate to a small panel in moving recommended ratings to provisional ratings and whether the larger panel discussion will involve the entire panel or a larger subsection. Additionally, some respondents expressed their uncertainty on whether the representation stage constitutes an appeal, whether it can be used as a step to present new evidence or only to clarify the evidence already presented, and whether additional evidence will be reviewed by the same panel or a separate one. Finally, regarding the representation process, while some respondents said that 28 days was a reasonable period, other respondents—especially those described as small ones—mentioned that 28 days would not be adequate and suggested extending the period to two months.



*We would recommend that smaller panels are not fixed so that there is more chance of calibration and moderation. (An employee of a charity or third sector organisation)*

*We understand the challenges of bringing an entire panel together but would recommend that there is an opportunity for the full panel to meet and some form of calibration built into the moderation process. We think it is important that there is no norm-referencing or end-stage adjustment based on the proportion of each award. Each provider should be judged on its own merit. (An employee of a charity or third sector organisation)*

*However, the proposals are vague on how the panel will be involved in this process and the extent to which this might constitute an appeal. For example, whether the original small panel will re-review the case, whether a larger or different panel will review the case, and on what grounds might a change in the provisional rating be permitted. (An employee of a charity or third sector organisation)*

### **Concerns about the timing of the recruitment and training of the panel**

In the fourth most common theme, respondents raised concerns about the impact of the proposed timeframe on the recruitment and training process of the panel members. It was the view of respondents that the timescale proposed is insufficient to achieve a diverse membership and deliver a robust and effective training. As a consequence, they mentioned that there is a risk of having inconsistent, uninformed and unfair decisions, as panels may not be prepared to interpret the large volume of information and the complexity of indicators and statistical data. This concern was also raised in Question 15.

*The [...] also considers that the proposed timings for the implementation of the next TEF exercise does not allow sufficient time for the recruitment of experienced panel members from demographically diverse backgrounds, nor for their training and the undertaking of calibration activity for decision-making and final judgements. This could potentially lead to unintended consequences for equality, diversity and inclusion, and an unnecessarily high number of representations being lodged during the next TEF exercise. This could have further implications for the efficiency and effectiveness of its delivery, with subsequent impacts on both the reputation of the scheme and that of affected providers. (An employee of a higher education provider)*

### **Request for training panellists to ensure common understanding of indicators, criteria, diversity and equality**

The third most frequent theme was about the training process. Respondents raised concerns about the amount and complexity of data that panellists will analyse, thus risking the forming of inconsistent judgements along the process. Therefore, providers suggested that the OfS give clear parameters for panels to work and ensure that panellists understand benchmarking and statistical uncertainty and the relative strengths and weaknesses of the chosen indicators. Respondents also suggested that as part of the training, the OfS may include sessions on equalities/unconscious bias and should ensure that the panels understand what constitutes 'outstanding' quality, so that they can assess the quality of the evidence considering regional variation in measures. Finally, through training and provision of information, some respondents mentioned the idea of encouraging and supporting individuals from often underrepresented groups to participate in the panel.



*Sufficient training and guidance will be essential to ensure that panel members are equipped to assess consistently and fairly. (An employee of a higher education provider)*

*[...] there is no detail in the consultation about steps the OfS will take to encourage individuals from often underrepresented groups, particularly among students for the student panellists, to apply and then support them in taking on such a role. The OfS should consider running a series of information events and offering additional training and support for student panellists. (An employee of a charity or third sector organisation)*

*The new indicators have greater statistical detail and sophistication of presentation (a positive) but without appropriate skills or training within assessment panels, the potential for nuance in judgement could be lost, potentially leading to judgements based on more simplistic factors than the data allows for. The new dashboards, in particular, are very informative for statistically experienced viewers, but may be misleading for lay users due to the complexity of presentation. (An employee of a higher education provider)*

## Ensure transparency in the assessment process

A less common theme raised by respondents was a couple of requests related to additional transparency. Firstly, respondents mentioned that they expect the OfS to share the guidance with the providers beforehand, and to allow more clarity on the evaluation and weighting panel members will give to the provider and student submissions. According to those respondents, a clear and consistent guidance which fully describes the methodology will ensure reproducibility of TEF results. A concern related to the above issue was that providers with panel representation will have a clearer and quicker insight into the assessment process compared to others who will need to wait for formal OfS guidance. Regarding the list of conflicts of interest, a respondent suggested that, besides partnership, it should also include collaboration.

*To ensure a level playing field, further information is needed on how the panel will be trained and supported to carry out its role effectively. Will the OfS guidance provided to panel members be shared with HEIs? For example, how will the panel evaluate and weight what we expect to be wildly different student submissions from different institutions? (An employee of a higher education provider)*

## Concerns about the burden on panellists

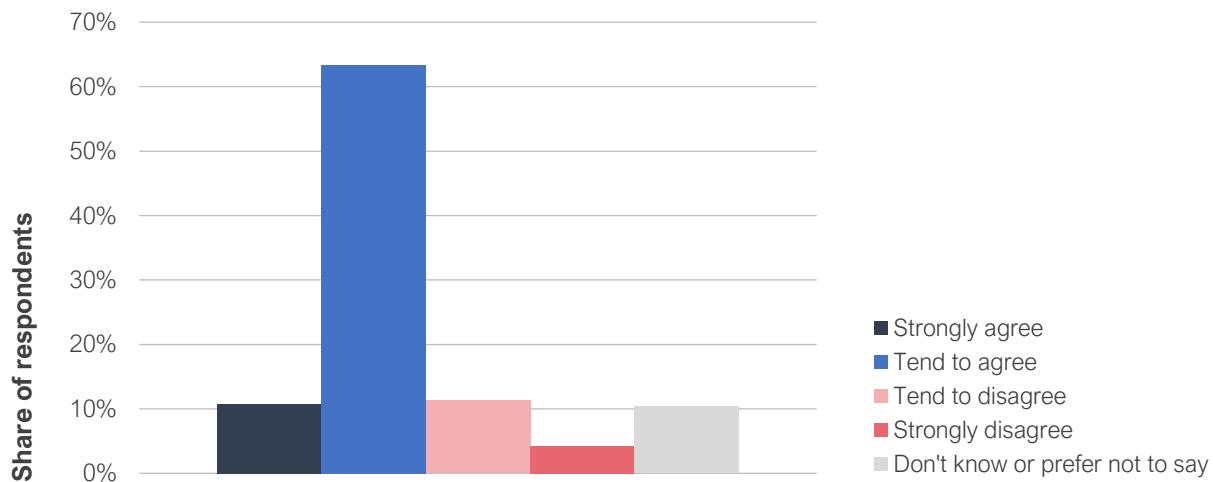
A few providers expressed their concern that the timescale and the volume of work for panellists will place a huge burden on them considering their academic commitments. To reduce the workload, some suggested adjusting the proposed timeline.

*We believe that this could best be achieved by timing, which saw recruitment take place over autumn/winter, training during the spring and assessments being conducted over the summer months when many colleagues will have a lighter teaching load. This approach to timing would also enable a submission window in the second half of an academic year, which is likely to be more appropriate for providers and students. (An employee of a higher education provider)*



## Question 11

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



Almost two-thirds (63%) of respondents tended to agree with the proposal for the assessment of evidence and 11% of respondents strongly agreed with it. In addition, 11% of respondents tended to disagree with the proposal and 4% strongly disagreed with it. The remaining respondents (10%) declared that they don't know or that they prefer not to say.

### Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how frequently they were raised by respondents.

### Support for the proposed approach to assessment of evidence

The most common theme in this question was an overall satisfaction with the proposed assessment of evidence. Regarding the cited reasons for this, the majority of respondents mentioned that applying equal weights both in the evidence-based calculation and in the overall rating would constitute a more balanced and fair approach. The second most common reason for approving of the assessment proposal was satisfaction with transitioning from a rules-based approach to a principles-based one. This transition was believed to allow the consideration of wider contextual factors, leading to a holistic assessment.

*The [...] agrees with a principles-based rather than a rules-based approach to assessment guidance as given the wide variety of provision available across the sector, it would be very difficult for all providers to display examples of excellence in the same way and it could narrow the innovative approaches that providers take to display their features. (An employee of a higher education provider)*

*We welcome the proposal that the indicators contribute no more than half the evidence and feel that the provider submission will be beneficial in providing context to the panel. We also welcome the equal weighting between student experience and student outcomes and that the overall rating cannot be higher than the highest aspect rating. (An employee of a higher education provider)*

## Additional clarifications needed around the assessment approach

The second most common theme in responses was the lack of clarity of the proposed assessment approach. Consequently, some respondents were hesitant to definitively answer whether they agreed or not given that they didn't fully understand the proposal. The most common subtheme was requesting clarifications on the criteria the expert panel will use in their assessment. Specifically, some respondents emphasised the importance of transparency and timely notification about the guidelines the panel will follow. Other respondents enquired about how the weighting would be adapted in the absence of a student submission, given its voluntary nature.

*[...] there is a lack of clarity regarding how the weightings of the indicators and submissions will be decided, particularly if a student submission or key data [...] are missing (An employee of a higher education provider)*

*The relevant weighting of submission(s) versus indicators is suggested can lead to a 'best fit' rating that seeks to reflect the specific context of each provider. Greater clarification is needed about the relevant weightings of qualitative evidence, given that the student submission is optional and one of the indicators (educational gain) remains ill-defined. (An employee of a higher education provider)*

## Concerns about consistency and regulatory burden

The third most frequently mentioned theme was concerns about the implications of the proposed number of indicators and the transition to the new approach, namely consistency of assessments and the increased regulatory burden created. The inconsistency in assessments was often cited as a side-effect of transitioning to a principles-based approach and abandoning the use of initial hypotheses. Responses in this subtheme mentioned that the previous approach allowed for a common starting point which ensured consistent and comparable assessments, while the proposed approach would introduce subjective elements. Two proposed solutions for this problem were providing clear guidelines on how the panel should make decisions, and offering panel members standardised training, particularly on statistics.

*I suspect that a 'common law' would develop privately within the TEF panel that would result from the many, inevitable specific queries that would arise once the assessment process is under way. [...] It would be far better for these to be anticipated now, and presented transparently, built into a rigorous procedure for making decisions. (An employee of a higher education provider)*

*We are conscious of the added burden that may now fall on panels and the complexity of the data that will need to be considered to arrive at consistent judgements. We would recommend the OfS take the time to ensure sufficient training and development of detailed guidance for panels on how to interpret these datasets. (An employee of a higher education provider)*

## Disagreement with the rating system and the publication of results

Of the respondents that disagreed with the proposed assessment approach, few provided explanations for their disagreement. Of those that did, the main two themes were concerns about the rating system and the publication of assessment outcomes. More specifically, on the first subtheme, some respondents indicated their concern about limiting a provider's overall rating to the one higher than their lowest rating. Those respondents mentioned that this rule would result in reduced quality, rather than in incentivising excellence.

*The proposed approach would incentivise an institution that is struggling in one area but excelling in another to transfer resources away from its areas of excellence, resulting in an average performance across the board. (An employee of a higher education provider)*

*[...] if the annual data across provider level, student experience and outcomes, differs from that which is referred to in the submission, it may be unclear to potential students and other stakeholders as to what the definitive award is. Having one overall rating by provider, without adding the potential for misunderstanding, through multiple ratings and additional data publications, would seem to be the sensible way forward. (An employee of a higher education provider)*

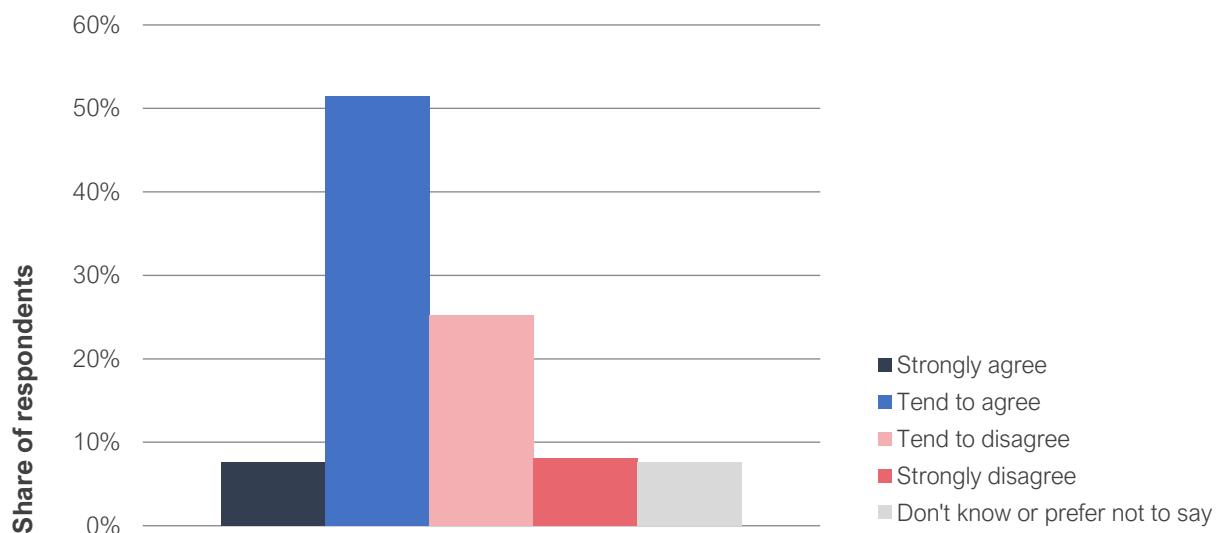
# Section 5: Outcomes

## Questions covered in this section

Section 5 of the consultation covers proposals 12 and 13, which present how the OfS proposes to publish TEF outcomes, how TEF ratings would be communicated in an accessible and timely manner, and the proposed guidelines for a provider to display and promote its own TEF ratings. In this section, we present the findings of analysing responses to questions associated with proposals 12 and 13.

### Question 12

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



Over half of respondents (51%) tended to agree with the proposal for published information and 8% of respondents strongly agreed with it. In addition, 25% of respondents tended to disagree with the proposal and 8% strongly disagreed with it. The remaining respondents (8%) declared that they don't know or that they prefer not to say.

### Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

#### **The outcomes for all providers should be published simultaneously and follow representation**

The most frequently mentioned theme was highlighting issues that could arise if there was a tiered approach to the publication of TEF results. Specifically, there was concern that publishing all results as soon as practicable would allow the public to identify providers that are undergoing representation, thus affecting the provider's reputation regardless of the finalised outcome. As a result, most respondents advocated for publishing all results simultaneously, either by postponing the publication for all or by integrating the representation in the general process.



*We do not think it is a good idea that those institutions that make representations have their rating withheld when others have been published. This will very publicly indicate that the organisation has made representation. [...]. This approach may dissuade organisations from making a reasonable representation. We suggest that a period for making representations is built into the process where institutions receive their initial TEF award and are given a period within which they can make representations in the knowledge that those representations will not result in their award being published at a time different to those who did not make representations. (An employee of a higher education provider)*

## Provide guidance and explanation of ratings to the public

The second most common theme was that the targeted audience of the proposed published outcomes may lack the necessary statistical knowledge to understand the indicators and context. Consequently, some were concerned that a detailed publication of all provider and student submissions risks being misunderstood, while this level of detail might be unnecessary as key stakeholders will mostly be interested in the rating. On the other hand, there were concerns that a publication of the ratings alone would also be misleading. The key proposed solution was accompanying the publication with detailed guidance and explanations to help the targeted audience understand the quality of the providers.

*However, we are concerned that without additional information to explain how the ratings have been arrived at, what they mean, and what they can and cannot tell you, there is a risk they will be misunderstood. This is important for any publication of TEF information but particularly on student-facing channels such as UCAS and Discover Uni. If the award names alone are published it says very little about what the award means. [...] It risks students making snap judgements and creating their own rankings. It would be unfortunate if a student dismissed a university based on, for example, a Bronze rating when that provider may be world-leading in the discipline the student is looking to study and/or can meet their specific needs. (An employee of a charity or third sector organisation)*

*Most students are likely to have limited interest in full submissions, underlying evidence and metrics beyond the headline TEF rating, although we have no objection to their publication. We have noted elsewhere our concern about public misinterpretation of the proposed 'needs improvement' rating and the likelihood that this will be understood to denote poor quality. If adopted, a prominent explanation should be attached to this category that a provider still meets 'high quality' threshold standards despite not qualifying for a TEF award. (An employee of a higher education provider)*

## Communicate that a provider's award is 'pending' is preferred

If some provider outcomes are published later, the preferred approach to informing the public was to use a wording similar to 'pending award,' as opposed to not communicating that a provider has participated in the TEF. Respondents believed that transparency on a provider is still undergoing assessment would limit reputational damage and facilitate understanding of the process.

*Communicate that a provider award is 'pending' so it is clear the provider has participated in the TEF, and an outcome will be published in due course. We would support this option as there may be several very legitimate reasons why a submission could not be considered at the same time as the main submissions batch. [This] is especially important if the reason that a judgement cannot be made, may be out of the hands of the provider. (An employee of a higher education provider)*

## Support for the proposal

As evidenced by the quantitative analysis of this question, most respondents agreed with the proposal about published information, and some of them also specified which aspect they agreed with. The most common subtheme was that the proposed approach promotes transparency and fairness in the sector, while a few responses also mentioned that the proposal will benefit future students and help inform their choice of provider. Less frequent subthemes included the benefits of sharing best practice and the importance of publishing contextual information alongside the indicators.

*[We welcome] the OfS's focus on transparency of data and ensuring that data is accessible to all students. It is particularly good that the OfS will be working with UCAS on communicating data to students through their channels as this is a key place from which students get information. (An employee of a charity or third sector organisation)*

*This proposal will be hugely beneficial to prospective students and give them a better understanding and choice when applying to study. Outcomes and awards would need to be promoted and available in a way that is digestible for these prospective students. (An employee of a student representative body)*

## Additional clarification needed

The fifth most common theme was the request for additional clarification, specifically on the student submission and for the publication concerning providers that did not request a TEF rating. Regarding the student submission, most respondents queried under which circumstances the student submission would not be published. Clarifications were also requested about the publication for eligible providers that chose not to apply for TEF, in which case some respondents requested not publishing metrics and emphasising that TEF participation is not mandatory.

*The consultation states that there may be circumstances where the OfS considers it appropriate to not publish the student submission wholly or in part, where it takes the view that other factors outweigh the public interest in publishing it. How will this decision be made? (An employee of a higher education provider)*

*We also believe that when publishing information about providers that are eligible to participate in TEF but choose not to participate does not bear any negative connotations for the provider. The voluntary nature of TEF should be clearly communicated in all public information. It is not clear from the consultation proposals whether any TEF indicators for those that do not participate in TEF will be published. We ask that the metrics are not made public because this will be read in the absence of student and provider submissions and without a TEF rating and therefore can be subject to misinterpretation. (Higher education representative body)*

## Disagreement over the publication of 'requires improvement' rating

Another theme that was frequently mentioned by respondents was concern about the 'requires improvement' rating. Respondents argued that this rating could be misunderstood and cause reputational damage. The confusion originates from the wording used, as a similar phrasing is used in Ofsted but corresponds to a different assessment with separate criteria. Some respondents requested not to publish this rating while others suggested rephrasing it to limit confusion and to avoid negative connotations. Furthermore, if it is decided to proceed with the publication of this rating, it was suggested to clearly mention that providers in this rating still achieved the minimum requirements.

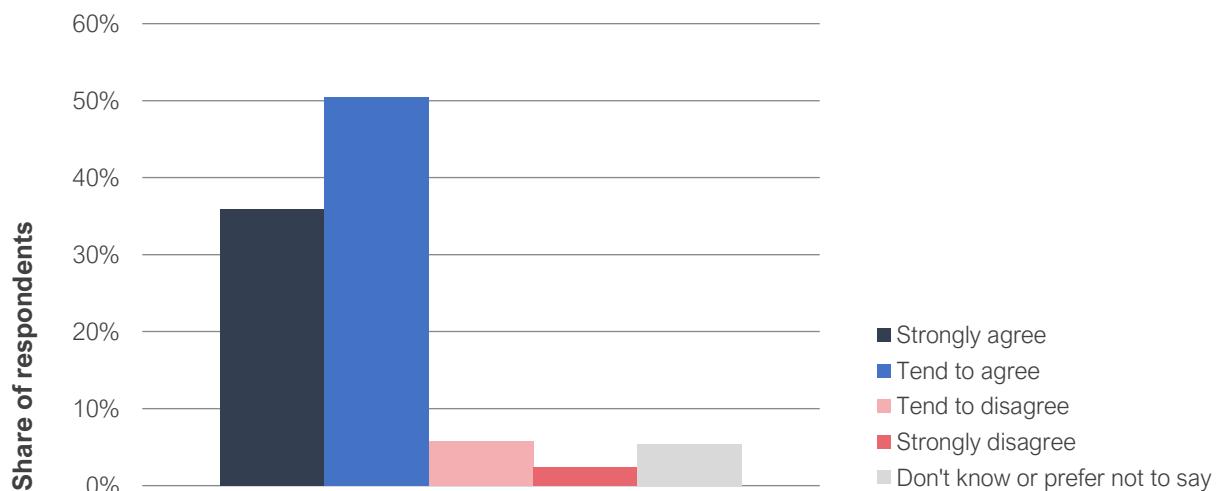


*We have already expressed our concerns about the confusion which will be caused by the proposal to employ a 'requires improvement' category; if this terminology is used there must be a full explanatory comment clearly included which explains that minimum baseline expectations have still been achieved. (An employee of a higher education provider)*

*Additionally, we strongly oppose the 'requires improvement' category which is deemed as a failure in OFSTED and the confusion this will carry. [...] We would strongly recommend that the 'requires improvement' category be removed and replaced with 'provisional TEF' or just no mention of TEF to allow a provider to remedy any improvements to their quality to reach TEF status. (An employee of a higher education provider)*

## Question 13

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



50% of respondents tended to agree with the proposal for the communication of ratings by providers and 36% of respondent strongly agreed with it. In addition, 6% of respondents tended to disagree with the proposal and 2% strongly disagreed with it. Remaining respondents (5%) declared that they don't know or that they prefer not to say.

## Thematic analysis

Almost half of respondents did not provide any further comment to this question. There was a low variety of themes among the remaining responses, which predominantly mentioned one theme (agreement with the proposal). Respondents also mentioned other themes with very low frequency, which are summarised below.

### Agreement with the proposal

Respondents voiced their agreement with the proposal, citing a variety of reasons. Firstly, according to respondents, the proposal would ensure accuracy, transparency and consistency across the sector, which was argued to help students make better informed choices. Additionally, respondents welcomed the ability to publish aspect ratings, which were argued to be useful for some students that

prioritise specific factors when making application decisions. There was also agreement with selective publication of aspect ratings being misleading for stakeholders, and a support for making it optional that a provider publicises its TEF award.

*The proposal not to require providers to publicise the TEF award is welcome, as providers should be able to choose whether they communicate their ratings or not. We are supportive of the guidance around communication of ratings, including that aspect ratings cannot be published without the provider rating. (An employee of a higher education provider)*

*We agree that TEF ratings cannot be used in reference to postgraduate provision as this could be construed as misleading. We strongly agree that consistency and clarity over communications to students to enable them to make informed choices is essential. (An employee of a student representative body)*

## Other themes

Some respondents further highlighted the need for the OfS to monitor and enforce these guidelines. Other responses cited the need to ensure that guidelines published by the OfS are clear, not overly prescriptive and adapt to a range of providers (for example, providers who have multiple higher education institution relationships). A few respondents mentioned the importance of ensuring wide understanding of TEF ratings among stakeholders to avoid misinterpretation.

*Clear guidance, and OfS oversight of adherence to this guidance, will be essential to ensure both student understanding and sector-wide confidence in institutional presentation of outcomes. (An employee of a higher education provider)*

There were also other themes mentioned particularly by those that disagreed with the proposal. They tended to cite their opposition to other proposals in the consultation (such as, TEF category names). There were also a few respondents arguing against aspects of the proposed guidelines, mainly:

- making it optional for providers to publish their TEF ratings,
- preventing aspect ratings from being published separately from the provider-level rating, and
- not allowing TEF ratings to be included in marketing materials for postgraduate courses.

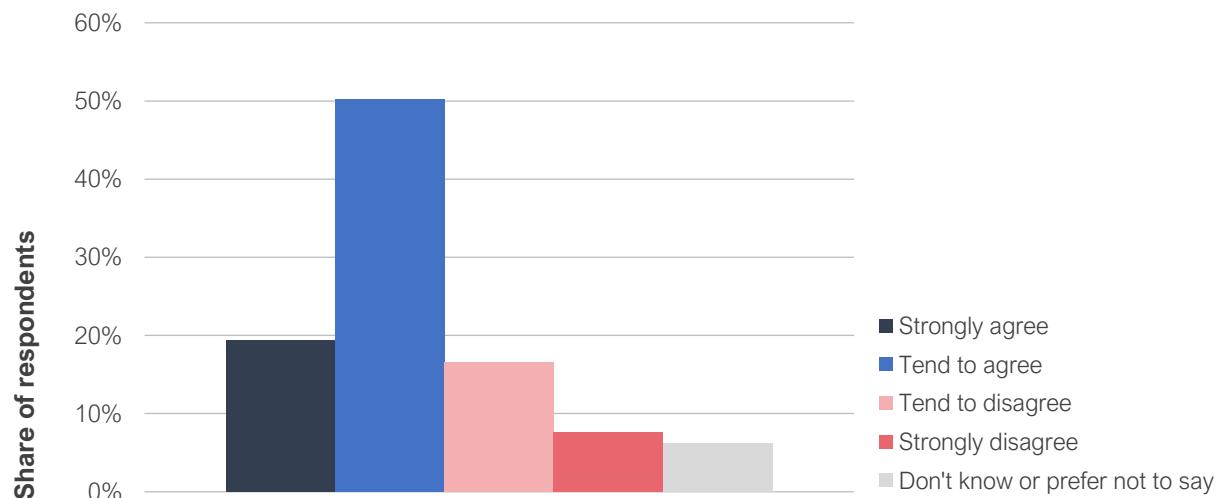
# Section 6: Implementation

## Questions covered in this section

Section 6 is the last section of the consultation. Proposals covered in this section (Proposals 14 and 15) set out the OfS proposals for the name of the scheme, as well as the timing of the next exercise, which, based on the proposals, would be carried out during 2022-2023, with outcomes being published in spring 2023.

### Question 14

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



50% of respondents tended to agree with the proposal for the name of the scheme and 19% of respondent strongly agreed with it. In addition, 17% of respondents tended to disagree with the proposal and 8% strongly disagreed with it. The remaining respondents (6%) declared that they don't know or that they prefer not to say.

### Thematic analysis

Around one third of respondents provided no further comment to this question. In other responses, three key themes emerged including agreement with the proposed name, concern about the mismatch between the proposed name and the scope of the scheme, and suggestions of other names. The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

### Agreement with the proposed name

Closely following the absence of view or response, the most prevalent theme was agreement with the proposed name for the scheme. Respondents gave various explanations, including the recognisability of the proposed name, its simplicity and clarity, its matching of the acronym and its consistency with the REF and the knowledge exchange framework (KEF).



However, some respondents who agreed with the proposed name highlighted the need for a clear communication strategy about what ratings reflect and the differences between the old and new scheme. Some respondents expressed concern about false assumptions that could be made about the quality of an institution when comparing new and old TEF outcomes.

*TEF is now an established brand and—while it is arguably more focused on outcomes than teaching quality—it seems pragmatic to drop the name of 'Teaching Excellence and Student Outcomes Framework' given the widespread use of the acronym. (An employee of a higher education provider)*

*Teaching Excellence Framework is an appropriate name which clearly explains the purpose of the exercise. Nevertheless, the new scheme, both in the approach and underpinning evidence (datasets), and retention of Bronze, Silver and Gold ratings, further leads to a lack of differentiation between old and new. Assuming the TEF name remains; to maintain reputation and value of UK HE the new TEF will benefit from careful communication and rebranding. (An employee of a higher education provider)*

### Mismatch between proposed name and scope of the scheme

The next most prevalent theme is the perceived mismatch between the name "Teaching Excellence Framework" and what the scheme evaluates. Respondents mentioning this theme tended to argue that the focus of the scheme is on student experience and student outcomes rather than teaching excellence. Furthermore, some respondents argued that the proposed name of the scheme would misguide student choice; students would be inclined to assume that teaching is the sole focus of the scheme. In addition, some respondents disagreed with reverting to the original name because of the need to signal a change in approach compared to the old version of the scheme. Finally, respondents mentioning this theme tended to be in favour of the name proposed by the Independent Review (Educational Excellence Framework), with fewer respondents expressing preference for the current name of the scheme (Teaching Excellence and Student Outcomes Framework).

*Teaching is too narrow a reference to describe what the scheme actually looks at and is now intended to do. It should be more reflective of the broader skills, opportunities and experiences—the things that influence higher education outcomes in addition to teaching. This is about establishing up front what is measured and assessed and why it matters. (An employee of a higher education provider)*

*It is inaccurate to portray this exercise as an assessment of teaching and while the true scope may be well understood within the sector, it risks misleading other stakeholders including prospective students. (An employee of a higher education provider)*

### Suggestions for a new name of the scheme

The next most prevalent theme is suggestions of other names for the scheme, which varied depending on what respondents believed was most accurately captured by the assessment. In particular, two key suggestions were made in relation to the name of the scheme:

- Reflecting the focus of the scheme on student outcomes and experience, with suggested names including Student Outcomes Framework, Student Experience Framework, Student Experience and Outcomes Framework and Student and Graduate Outcomes Framework.
- Make explicit mention of the word 'undergraduate' given it is a central part of the TEF. This was argued to be helpful in avoiding misunderstanding that the TEF applies to all levels of provision.

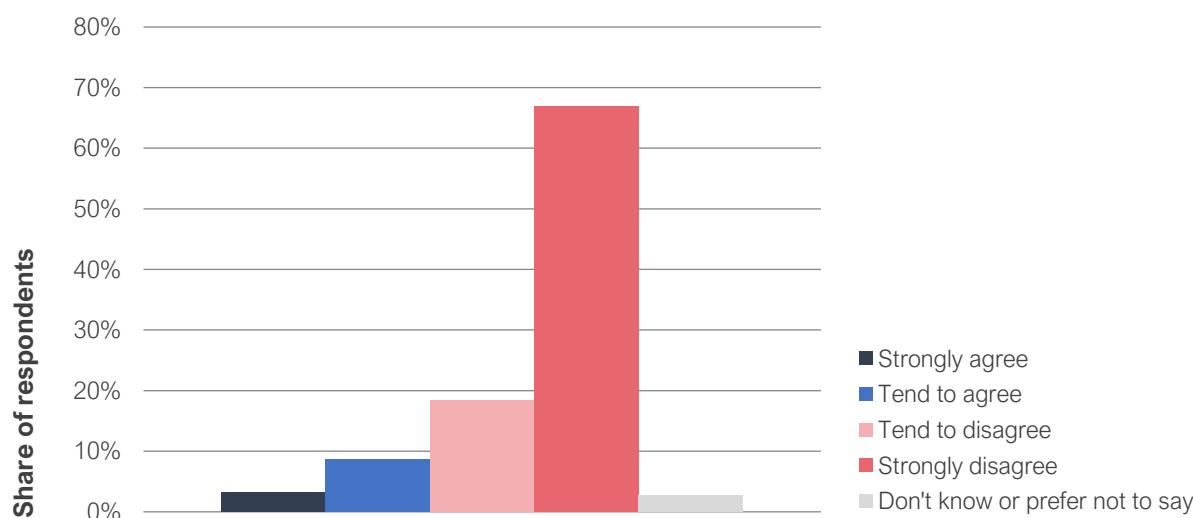


*We respect the OfS decision to keep the name 'Teaching Excellence Framework,' however, we believe that the term 'undergraduate' should be added into the name as this is a core part of the TEF: 'Undergraduate Teaching Excellence Framework.' (An employee of a student representative body)*

*It is somewhat disappointing that the renaming suggestions made in the Pearce review ('Educational Excellence') have not been taken on board, as the methodology proposed has little to do with 'teaching excellence' per se, but rather focuses on the broader student experience and outcomes. Arguably, from the original name (Teaching Excellence and Student Outcomes Framework), this could have been rebadged as either the Student Outcomes Framework, or as a Student Experience Framework (if alignment with REF and KEF were desired). (An employee of a higher education provider)*

## Question 15

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



Two-thirds of respondents (67%) strongly disagreed with the proposal for the timing of the next exercise and 18% of respondents tended to disagree with it. In addition, 9% of respondents tended to agree with the proposal and 3% strongly agreed with it. The remaining respondents (3%) declared that they don't know or that they prefer not to say.

### Thematic analysis

The key themes identified from the qualitative analysis of responses are discussed in detail below and presented in order of how often they were raised by respondents.

### Submission window is short and impractical

The most common theme in this question was a broad concern that the proposed timeline for the implementation of the next TEF exercise is too tight. More specifically, some of these respondents argued that the period between the proposed dates for opening and closing the submission window is too short given the workload of higher education providers. Some respondents also compared the

proposed timelines with the timespan provided for the Research Excellence Framework (REF) submissions, which seemed more proportional to the requirements. Finally, respondents also argued that TEF guidance and specifications should be published in advance of the opening of the submission window.

*The timing for the institutional submissions is too short and the submission window should be extended to a three-month period at a minimum. (An employee of a higher education provider)*

*Providers were given a significant amount of time to put in REF submissions, which was considered a serious exercise, if teaching is to be considered equivalent to research a similar period of time to put in submissions should be considered. (An employee of a higher education provider)*

*The limited open window for submission, which opens immediately after the guidance and specifications are out, seems too short. A recommendation would be to release the specifications and guidance before the open window, to allow for understanding of this and for institutions to get members of staff and the student contact identified and up to speed. (An employee of a higher education provider)*

### **Timing of the submission window overlaps with a busy period for providers**

The second theme refers to the overlap between the TEF submission and other duties. The proposed timeline was expected to negatively affect provider submissions and workload. According to many respondents, based on the proposal, the first renewed TEF submission period will take place in a period of already high workload for higher education providers—namely, the start of the new academic year—and it would overlap with relevant submissions of Data Futures and Access and Participation Plans. Additionally, it was argued that the timeline proposed does not seem to be adequately integrated with the B3 process. Instead, delaying the implementation of TEF would allow better sequencing alongside B3, ensuring that providers are already aware of their eligibility before they begin the process. According to these respondents, this timing is not only impractical, but it could also harm the quality of the submissions.

*The ability for institutions to respond to assimilate data and write a submission over that September to November timeframe is not realistic. September is the enrolment and start of term for the vast majority of institutions [...]. The timeframe will mean diversion of staff time and focus on the TEF instead of towards enhancing the student experience. (An employee of a higher education provider)*

*Providers will be also concerned with the publication and regulation of B3 data, and Access and Participation Plan data, resulting in potential revisions to the Plan. All this additional work at a time when staff will be validating and submitting statutory data returns to the Higher Education Statistics Agency (HESA) and DfE while also trying to implement HESA data futures. The timing of the new processes for TEF and B3 creates a substantial additional burden at an already busy time of the year. (An employee of a higher education provider)*

*Delaying the implementation of TEF may also allow a sequenced approach where providers first identify whether they are in breach of the new B3 conditions, and then, once this baseline has been secured, can consider how they demonstrate excellence beyond a baseline. (An employee of a higher education provider)*

## Impact on quality of student submissions

Within the third most prevalent theme, many respondents pointed out that the proposed approach must grant students enough time to discuss their views among themselves and with the Union. It was argued that the tight timelines risk hindering the active participation of students. Respondents highlighted that the submission window is shortly after the start of the academic year, which means that the majority of student representatives will be extremely busy, while many of them will be new in post, or in the process of being elected. According to these views, an extended timeline would allow student representatives to consult with their peers to provide a well-evidenced submission.

*The intensive work that would be required to produce a high-quality submission would need to take place during an already busy period of high activity, when many students' unions are still inducting their sabbatical officer teams, as well as organising welcome activities for their new students. (An employee of a student representative body)*

*Firstly [...] the evidence gathering for the submission would have to start months before the submission period. This would mean evidence gathering occurring exactly when students tend to be least engaged—over exam period and the summer break. [...]. Secondly, this also coincides with the handover period of elected officers and thus the TEF student contact is likely to change, meaning that consistent project management will be limited. Thirdly, the timescale is such that the collating of evidence and writing of the report will coincide with the beginning of semester 1. This is the busiest time of year for students' unions, meaning capacity is likely to be limited and the quality of the student submission will suffer. (An employee of a student representative body)*

## Impact on expert panel establishment and performance

The fourth most common discussion was a specific concern about the impact of the proposed timelines on the TEF panel appointment and decision making. According to these responses, the implementation of the current proposal would not provide enough time to appoint the TEF panel. Respondents argued that members of the panels should be representative of the higher education sector, and with a high level of skills and expertise. According to these views, the 'rushed' approach would pose a risk to the suitability of the experts appointed. Additionally, those respondents suggested that the timelines proposed are too tight to allow for the comprehensive training of experts needed to ensure a consistent application of the assessment guidance and criteria. Finally, some respondents argued that the time available would be too short for the panel to provide a thorough review.

*The proposed timetable will force the open recruitment of the expert panel to be conducted at speed—this may prevent the panel from being as diverse and representative as possible. Once in post, the timescale may also not provide sufficient time for training of the panel members to enable them to analyse and assess the wide range of evidence; to consider the application of benchmarking and statistical uncertainty; and to make appropriate and consistent judgements. (An employee of a higher education provider)*

*[...] we are concerned that the proposed timeline does not allow sufficient time for panel training given the complexity of the data and the need for robust and consistent decision-making. (An employee of a higher education provider)*

## Additional burden for smaller organisations

The fifth most common theme among respondents was that the proposed timelines would especially increase the workload for small organisations, as they have reduced the number of staff members working on several administrative submissions. According to these responses, the increased number



of data, information and resources to be provided to the authorities for these submissions would particularly harm those institutions that do not have specialised teams, or in which these teams are rather small.

*The proposed six-week window for the preparation of provider submissions is insufficient given the importance placed on these in the new framework. The availability of data and information about all splits, not just subject level, will mean providers will need the capacity (staff resources and time) to analyse and understand the data if they are to make best use of it. Of particular concern is the likely draw on resources, particularly at smaller providers. Providers need to see this as a significant facilitator of enhancement and not construe this as a burden, therefore sufficient time needs to be provided. (An employee of a higher education provider)*

## The impact of the pandemic

The next most frequent discussion referred to the effects of the pandemic on TEF awards. According to these views, a rushed implementation of a renewed TEF could produce an inaccurate picture of the quality of the educational system. Consequently, respondents suggested that the authority should consider the effect of the pandemic on the measures and benchmarks. In addition, some respondents pointed out that this year should be focused on resettling the functioning of institutions after the pandemic.

*This is too soon after COVID interruptions both in terms of creating an additional burden on providers but also because the consultation and proposed approach does not take any account of the exceptional circumstances of the pandemic and the risk that measures impacted by this will not reflect future performance. (Employee of a regulator)*

*The window will coincide with the start of the new academic year at a time when providers are still grappling with the uncertainty of the COVID-19 pandemic and supporting student transition following significant disruption to their learning at school. Our priority must be our students and the current timetable risks an unhelpful burden at this time. (An employee of a higher education provider)*

## Concerns about large number of indicators and their complexity

The seventh most frequent theme was a concern about the complexity of the proposed set of indicators. This theme was usually combined with other concerns discussed earlier; according to the respondents, the indicators' complexity would affect providers' workload, hinder university support of students' submissions, and affect disproportionately smaller providers with no specialised teams. Respondents argued that high-quality submissions would need intensive work, including undertaking some primary research and engaging with a large volume of new metrics. Hence, the period for data collection and interpretation was found to be too short and impracticable. Several employees of higher education providers argued that they would need more time to adequately train their staff to interpret these metrics, but also to liaise with the wider community to plan their data dashboards and submissions.

*In order to produce a high-quality student submission, this would require dedicated staff time to collate the relevant data and evidence for a submission, as well as the undertaking of primary research and data collection. (An employee of a student representative body)*

*There is a lot of change occurring in the sector, with the need for providers to come to grips with new metrics, a new assessment regime of student outcomes and rethinking our Access and Participation Plans. To fully understand our metrics, we will need to engage the entire university community so the planned timing [...] is highly problematic. (An employee of a higher education provider)*

## Timelines should allow more time for the sector to engage

Next, some respondents mentioned the consultation period itself as part of the tight timeline of the implementation. According to those respondents, the consultation responses should be carefully analysed and considered before finalising the new TEF approach. These respondents suggest that the current timeline leaves very little time to engage with providers to make revisions to the proposal, after the consultation but before the submission deadline.

*While we understand that there are no TEF awards currently in place we would rather the sector has an appropriate amount of time to digest the consultation, work collaboratively with the OfS [...]. We therefore think it would be most appropriate for the timeline to be paused until the OfS has received responses to this consultation and digested the issues and opportunities the sector responses bring up—especially as it is not planning to allow any 'in cycle' TEF resubmissions and awards will stand for four years. (An employee of a higher education provider)*

*We do feel that the consultation and new TEF assessment are working to an expedited timeline, which does not permit sufficient time for changes to be made to the new TEF process, from the outcome of the consultation responses, before providers are being assessed. (An employee of a higher education provider)*

## Timings for representation

Last, the qualitative analysis of the responses showed a rarely mentioned but still relevant theme. A few respondents mentioned the appealing mechanisms. In particular, they argued that the timeline for the TEF awards should consider that some institutions would not be satisfied with the initial judgement of the TEF panel and may need to make representations. According to these respondents, universities who query the decision would face a disadvantage compared to those that do not, as they would not have received their award but results for other institutions would already be publicly available. This would entail some degree of reputational damage, but also affect the students' choices and initial enrolment.

*Moving forward, the timing of this exercise must be carefully considered in terms of the impact on student choice (in application cycle). This will mean that universities who query the final decisions—and therefore experience a delay in receiving their awards—could be at a significant disadvantage in terms of student recruitment compared to institutions who receive their awards and are able to promote them at an earlier date. (An employee of a higher education provider)*

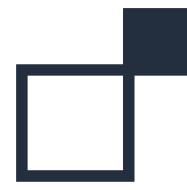
*We appeal to the regulator to consider measures to protect providers' reputations should appeals need to be made. We suggest the regulator consider building a set period into the timetable pre-TEF award announcement to allow providers to appeal decisions before they become public knowledge and potentially inflict reputational damage on the providers in question. (An employee of a higher education provider)*

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