

**Consultation
outcomes**

**Office for
Students**

OfS

Future approach to quality regulation

Consultation outcomes

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Contents

Executive summary	3
Background	8
Approach to consultation and analysis	8
Proposal 1: A more integrated overall system	9
Decision	9
Key themes	10
Our response	11
Proposal 2: Providers in scope	15
Decision	15
Key themes	15
Our response	16
Proposal 3: Provision in scope	18
Decision	18
Key themes	19
Our response	20
Proposal 4: Assessment aspects and ratings	22
Decision	22
Key themes	23
Our response	24
Proposal 5: The student experience aspect	28
Decision	28
Key themes	29
Our response	31
Proposal 6: A revised and integrated condition B3	34
Decision	34
Key themes	35
Our response	36
Proposal 7: The student outcomes aspect	38
Decision	38
Key themes	39
Our response	41
Proposal 8: Assessment and decision making	45
Decision	45
Key themes	46
Our response	47
Proposal 9: Varying the approach for providers with limited data	49
Decision	49
Key themes	50
Our response	51
Proposal 10: Student evidence and involvement	55
Decision	55
Key themes	55
Our response	56

Proposal 11: Assessment cycle	58
Decision	58
Key themes	59
Our response	60
Proposal 12: Risk monitoring	65
Decision	65
Key themes	65
Our response	66
Proposal 13: Incentives and interventions.....	68
Decision	68
Key themes	69
Our response	71
Proposal 14: Published outputs	76
Decision	76
Key themes	77
Our response	77
Proposal 15: Implementation timeline	78
Decision	78
Key themes	79
Our response	80
Other questions	82
Annex A: Matters to which we have had regard in taking decisions on the stage one consultation.....	83

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

Our four regulatory objectives

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

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

Executive summary

1. This document sets out the decisions we have taken on our future approach to regulating the quality of higher education. It sets out decisions on the principles, scope and structure of the future Teaching Excellence Framework (TEF), and how the overall quality system will be integrated.
2. In autumn 2025 the Office for Students (OfS) ran a first stage consultation on changes to our approach to regulating quality. The consultation proposals were developed to take forward recommendations made by the public bodies review of the OfS.¹ The review had recommended that we should develop a more integrated quality system that drives continuous improvement at all higher education providers.
3. Our current approach to regulating quality involves two separate streams of activity:
 - a. Targeted assessments where we have concerns about a provider meeting our requirements on course quality, assessment, resources, academic support and student outcomes (our B conditions of registration).
 - b. Recognition of excellence through the TEF, which rates a provider's undergraduate provision, looking at the student experience and student outcomes.
4. The aim of our proposals was to bring these activities closer together to form a more integrated quality assessment system, with strengthened incentives and interventions to ensure students from all backgrounds across all providers are benefiting from high quality and continuously improving provision. The proposals also aimed to reduce burden where

¹ Available at Gov.UK, [Fit for the future: Independent review of the Office for Students](#).

possible, embed equality of opportunity in the new approach, and provide clear information for students about the level of quality delivered by different providers.

5. The proposals we consulted on are available at OfS, [Consultation on the future approach to quality regulation](#).
6. We received 220 written responses to the consultation. Responses were received from: providers, including large, small, specialist, and further education providers; mission groups and sector bodies; students and students' unions; charities, societies and other organisations; and individuals from academic and reporting backgrounds. We also gathered feedback on our proposals through a series of online and in-person events.
7. We would like to thank all those who took the time to consider and respond to the questions in the consultation. The responses we received demonstrated broad support for an integrated quality system and for many of the proposals, with concerns raised about particular proposals and differences in views from different parts of the sector.
8. We have analysed the consultation responses and stakeholder feedback received and considered the implications for our proposals. We have made significant changes to some of our proposals and modifications to others in response to consultation feedback. In particular we have made changes where this will simplify the approach, or minimise cost and burden, without reducing our ambition for the system. We have retained other proposals that we consider will deliver our primary aim of driving improvement across the sector, for the benefit of all students, wherever they are studying.
9. The main components of our decisions, and changes made following consideration of respondents' views, are summarised in Table 1. The full decisions are set out under each proposal.

Table 1: Summary of decisions

Proposal	Decision
1: A more integrated overall quality system	As proposed, we will modify the overall quality system to ensure that it is integrated, drives improvement across the sector, and provides a clear view of the quality delivered by different providers. We will develop further proposals for greater alignment between the TEF and Access and Participation Plans (APPs), for consultation in stage two.
2: Providers in scope	As proposed, we will assess and rate all OfS-registered providers through the future TEF, on a cyclical basis with rolling assessment cycles. However, we will change the way we assess and rate providers that do not have sufficient National Student Survey (NSS) data. This is set out under the decisions on proposal 9.
3: Provision in scope	As proposed, we will assess undergraduate provision in the first cycle of assessments and extend the scope to include postgraduate taught provision in the second cycle. We sought views on whether or not apprenticeship provision should be included in the first cycle of TEF assessments. We have decided they will be

Proposal	Decision
	included. We will aim to minimise potential overlap with assessments by Ofsted, and will consult on proposals for this in stage two.
4: Assessment aspects and ratings	<p>As proposed, we will assess and rate providers for 'student experience' and 'student outcomes'. As set out in the decision about proposal 9, each provider will be rated for whichever aspects we have sufficient data indicators for.</p> <p>However, we will change the proposal to award providers an 'overall' rating in addition to the aspect ratings. Instead, we will not award an overall rating and providers will only receive ratings for student experience and student outcomes.</p>
5: The student experience aspect	<p>As proposed, we will align the scope and ratings criteria for the student experience aspect with the requirements of conditions B1, B2 and the 'effective assessment' element of B4.</p> <p>As proposed, we will assess the student experience aspect on the basis of provider submissions, an expanded set of NSS-based indicators, and additional evidence from students.</p> <p>As set out in the decision about proposal 9, we will only assess the student experience aspect if we have sufficient NSS data indicators for the provider.</p> <p>As set out in the decision about proposal 10, we will expect providers to facilitate an independent student submission, rather than gathering student input through an alternative means.</p>
6: A revised and integrated condition B3	<p>Broadly as proposed, we will revise and simplify our minimum requirements for student outcomes (condition B3), and integrate into the future TEF an assessment of whether a provider meets them.</p> <p>We will change one element of this proposal. Where student outcomes fall below the minimum threshold, we had proposed we would only consider contextual factors that explain historical performance. Instead, we will also consider actions a provider has taken to improve outcomes where the impact of those actions is demonstrable.</p>
7: The student outcomes aspect	<p>Broadly as proposed, we will rate the student outcomes aspect based on benchmarked indicators of continuation, completion and an expanded set of post-study indicators, and taking additional context into account.</p> <p>We will change one element of this proposal. When assessing student outcomes, we had proposed to limit the additional context we would consider to historical factors other than those already accounted for in benchmarking. Instead, we will also consider actions a provider has taken to improve outcomes where the impact of those actions is demonstrable.</p> <p>We will also consider further how to take account of absolute performance alongside benchmarked performance, when assessing student outcomes. We will consult in stage two about this.</p>
8: Assessment and decision making	Broadly as proposed, the TEF assessments will be conducted by an evolving pool of expert academic and student assessors, supported and advised by OfS staff.

Proposal	Decision
	<p>We will develop our thinking further on the role of OfS staff in contributing to making decisions about ratings.</p> <p>As proposed, we will consider representations from providers about the ratings only when the outcomes would have a potentially negative impact on a provider.</p>
<p>9: Varying the approach for providers with limited data</p>	<p>As proposed, we will not rate the student outcomes aspect where we do not have sufficient statistical confidence in the student outcomes indicators for a provider.</p> <p>However, we will change the proposed approach where we do not have sufficient statistical confidence in the NSS-based indicators for a provider. Instead of gathering student views through an alternative means so all providers could be rated for student experience (as proposed), we will not rate the student experience aspect in these cases.</p> <p>The effect of this change means that each provider will be rated for whichever aspects we have sufficient data indicators for, minimising the burden on providers and ensuring more consistent evidence.</p>
<p>10: Student evidence and involvement</p>	<p>Broadly as proposed, we will include direct student input in the assessment of the student experience aspect for all providers as far as possible, and aim to expand the range of student assessors.</p> <p>We will change one element of this proposal. We had proposed to gather student input through an alternative means, where it would be challenging or impractical for a provider's students to produce a submission. Instead, we will strengthen our expectations on the provider (if being assessed for student experience) to help facilitate an independent student submission.</p>
<p>11: Assessment cycle</p>	<p>Broadly as proposed, we will assess nearly all providers for the first time within three years, according to a set of priorities.</p> <p>We will change two elements of this proposal:</p> <ol style="list-style-type: none"> a. Instead of assessing all providers within three years (as proposed) we will, if appropriate, defer the first assessment of some providers into a fourth year (i.e. into the first year of the second cycle). This could allow more time for data to become available for some newer or smaller providers. b. In the first year (2027-28) we will assess all providers with an existing aspect rating of Requires improvement or Bronze (rather than an overall rating of rating of Requires improvement or Bronze). <p>As proposed, we will link the timing of further assessments to the ratings awarded and our ongoing risk monitoring.</p>
<p>12: Risk monitoring</p>	<p>As proposed, we will introduce a risk monitoring tool that sets out the factors associated with increased risks to quality.</p>
<p>13: Incentives and interventions</p>	<p>Broadly as proposed, we will introduce a strengthened set of incentives and interventions that vary according to the level of quality and risk, to drive quality improvement across the sector.</p>

Proposal	Decision
	<p>We will change one element of this proposal. We had proposed to consider whether providers rated as either Bronze or Requires improvement were in breach of or at increased risk of breaching the B conditions. Instead, for the first cycle of TEF we will normally only consider a Requires improvement rating to indicate an increased risk of a future breach.</p> <p>We will consult further on:</p> <ol style="list-style-type: none"> a. The mechanism for implementing student number growth limits based on TEF ratings, and the extent to which these limits would be applied 'automatically' or more flexibly for Bronze ratings. b. How we will link eligibility to apply for or extend degree awarding powers (DAPs) to TEF ratings of Bronze. c. Proposals for linking higher TEF ratings with eligibility for certain funding streams. These will be consulted on as part of the forthcoming review of our strategic priorities grant, due in later this year.
14: Published outputs of the overall system	As proposed, we will continue publishing the outputs and outcomes of our quality assessments, aimed at providing clear information to students about the level of quality delivered by different providers, and incentivising and supporting providers' efforts to enhance quality.
15: Implementation	<p>As proposed, we will consult further during 2026-27 and carry out the first cohort of future TEF assessments in 2027-28.</p> <p>Having sought views on options for the transition to the future scheme, we will continue to publish TEF 2023 ratings that remain valid alongside ratings from the new scheme, with clear labelling and explanation.</p> <p>We will consult further in stage two about assessment costs for providers and the extent to which they should be added to the annual registration fee or charged as separate assessment fees.</p>

10. This document summarises our analysis of the responses to the first stage consultation and explains our decisions about the overall approach, scope and structure of the future quality system.
11. Following these decisions, we are developing more detailed proposals for a second stage consultation in autumn 2026. This document also indicates areas that we intend to consult on further in the second stage.

Background

Approach to consultation and analysis

12. We published the first stage consultation on 18 September 2025. The consultation was open for 12 weeks, closing on 11 December 2025. Respondents were invited to share their views on the proposals by submitting written responses to an online survey containing 19 open and optional questions. We received 220 written responses. We also undertook a range of engagement activity throughout the consultation window, both to support stakeholder understanding of the proposals and to seek feedback on them, including online and in-person events. We would like to thank all those who took the time to respond to the survey or take part in our events.
13. We commissioned Pye Tait to undertake an independent analysis of consultation responses. Pye Tait conducted a detailed quantitative and qualitative analysis of the responses received to each consultation question, and also considered points raised at the feedback events. Full detail of the of the responses received and the approach taken to the analysis is set out in the Pye Tait report.² OfS staff also analysed a cross section of responses, focusing on the main themes raised by each provider group, and by students.
14. In this document we set out the key points and themes raised in consultation responses and explain how we have considered them.
15. The report from Pye Tait is available alongside this document and can be referred to for additional context and detail around respondents' views.³ The report from Pye Tait has analysed responses question by question. Some respondents provided comments on the same theme, under multiple questions, and the Pye Tait report does not show the volume of these responses theme by theme. In our own consideration of responses, we have brought together the responses by theme, and have reflected this in identifying and responding to key themes. To avoid duplication in this document we have, where appropriate, set out the respondents' views and our response under the proposal to which they primarily relate.
16. We have also aimed to use consistent terminology that broadly aligns with the Pye Tait analysis when indicating the volume of respondents who commented on a particular point or theme. We typically use terms as follows:
 - 'a few' is used where less than 10 per cent raised a point
 - 'some' is used where 10-29 per cent raised a point
 - 'many' is used where 30-49 per cent raised a point
 - 'most' where 50 per cent or more raised a point.

² See OfS, [Consultation outcomes: Future approach to quality regulation](#).

³ See OfS, [Consultation outcomes: Future approach to quality regulation](#).

Proposal 1: A more integrated overall system

17. We proposed to modify the overall quality system to ensure that it is integrated, drives improvement across the sector, and provides a clear view of the quality delivered by different providers.

Consultation questions

Question 1a

What are your views on the proposed approach to making the system more integrated?

Question 1b

Do you have views on opportunities to reduce duplication of effort between the future TEF and APPs?

Decision

18. As proposed, we will modify the overall quality system, to ensure that it is integrated, drives improvement across the sector, and provides a clear view of the quality delivered by different providers.
19. This means we will take forward the following elements of the proposal:
- a. We will clarify that the B conditions set out the minimum level of quality required of all providers (as set out under proposal 4).
 - b. We will modify the TEF (as set out under the remaining proposals) to incentivise all providers to exceed the minimum level, and to continuously improve quality for their students.
 - c. Through the TEF, providers will be assessed and rated for the student experience and student outcomes (where sufficient data is available). Ratings will show whether or how far the provider exceeds the minimum requirements of the relevant B conditions.
 - d. We will simplify condition B3 and fully integrate an assessment of whether each provider delivers the minimum required student outcomes into its TEF assessment (as set out under proposal 6).
 - e. We will improve and make more transparent the way we monitor risks to quality and our ability to respond rapidly to emerging risks in between cyclical TEF assessments. Where we identify material concerns about the quality of the student experience (through risk monitoring or through TEF assessments), we will carry out targeted assessments, including visits to the provider. These would be prioritised based on risk. (Further details are set out under proposals 12 and 13.)
 - f. We will introduce a strengthened set of incentives and interventions to drive improvement across the sector (as set out under proposal 13).

- g. We will continue to explore how the system adheres to European standards and guidelines for quality assurance, and work towards applying to join the European Quality Assurance Register for Higher Education at the appropriate time.
20. We invited views on opportunities to reduce duplication of effort between the future TEF and APPs. We will continue to explore this and develop further proposals for greater alignment between the TEF and APPs, for consultation in stage two.

Key themes

Principle of an integrated approach

21. We received strong support for the overall principle of integration, with many respondents highlighting the opportunities in the integration of condition B3 in particular (set out in more detail under proposal 6) and elements of APPs (further detail on this is given below in paragraphs 24 and 25). These respondents also favoured the alignment of TEF with the B conditions, as providing greater clarity to the sector and students. A few respondents also commented positively on the risk-based approach to any targeted interventions that may be needed to address poor performance, alongside or as a result of TEF assessments.
22. Some respondents commented on the future balance of TEF between a compliance or enhancement tool. (Similar comments were made under proposals 4, 5 and 13 and are not repeated in those sections.) These respondents felt that the inclusion of assessment of B3, alongside the proposed interventions for lower ratings, could have the effect of shifting the focus too far onto compliance, losing the emphasis on enhancement, which in their view is TEF's purpose. The perceived risk with this was that providers might be less willing to showcase new or innovative teaching approaches.
23. Respondents also commented under this proposal on the perceived challenges of a system that accounts for the diversity found across the sector, in terms of how we will be able to account for provider context in assessment and the potential impact of proposed interventions. These themes are addressed under proposals 2 and 13 in this document.

Quality and equality of opportunity

24. Most respondents either explicitly agreed with the principle of integrating aspects of APPs into the TEF, or gave examples of where they thought more alignment could be achieved. Respondents thought there would be benefits such as reducing burden on providers, making use of shared evidence bases, and potential for greater recognition of APP activities. Key areas where closer alignment was seen to be beneficial were use of datasets, shared submissions, and alignment of submission cycles.
25. Some potential risks were also identified by respondents, which mainly focused on the potential dilution of focus on APPs, should they become more embedded in TEF assessments. Many respondents also questioned whether alignment was achievable given the distinct purposes of TEF and APPs, and the different timeframes covered. Some respondents asked for further information on how alignment might be achieved before feeling able to comment further.
26. As well as specific comments on closer alignment with APPs, equality of opportunity was a cross-cutting theme from responses to multiple proposals. Respondents highlighted what

they saw as a risk that the proposals could disproportionately and negatively affect providers that support higher numbers of disadvantaged students, or those entering higher education through non-traditional routes. As this theme was raised in response to several proposals, including proposals 2, 4, 6, 7, 12 and 13, we address it here as part of our overall approach and do not repeat the points made in each section.

27. Many respondents commented on the potential impact that disadvantaged or non-traditional student cohorts could have on providers' student outcomes data. These respondents commented that the outcomes of these student cohorts could be affected by external factors outside providers' control, such as regional disparities and the socioeconomic backgrounds of students.
28. It was felt that providers with widening participation agendas, and those that supported higher volumes of students with non-traditional routes into higher education, might be disadvantaged under the proposed assessment approach, because they may typically be the providers that receive lower ratings and the associated interventions.
29. Some respondents felt that this could potentially drive unintended provider behaviour, with providers becoming risk-averse and reducing their recruitment of these students. Some felt that if these providers were more likely to achieve the lower ratings, and so face interventions such as recruitment limits, or restricted eligibility for DAPs, this could entrench inequality across the sector and reduce opportunities for students. These respondents commented that proposals could disproportionately reduce the places available at providers supporting non-traditional learners, and further impact the financial health of these providers.
30. Most respondents commented that they thought it would be important to consider contextual information from providers, alongside provider data, to explain the performance of different student cohorts. It was felt that providers might want to provide information on one or more of the following: provider mission; student backgrounds and diversity; regional and local employment contexts; and vocational courses where graduates typically enter essential but low-paid roles.

European Standards and Guidelines compliance

31. A few respondents expressed support for the principle of working towards European Standards and Guidelines (ESG) compliance, or asked for further information on how this might be achieved. A few respondents also commented positively on proposals in other sections which they identified would support ESG compliance: for example, the inclusion of student input in proposal 10 and the plans for published outputs from TEF set out in proposal 14. However, a few respondents expressed concern that working towards ESG compliance might increase the cost and burden of the proposals. Most respondents on this issue were sector mission groups, so we are mindful that these responses may be indicative of the views of larger groups of providers.

Our response

Principle of an integrated approach

32. We welcome the broad support for the overall principle of integration, and we will take forward the proposal to modify the overall quality system broadly as proposed, to ensure that

it is integrated, drives improvement across the sector, and provides a clear view of the quality delivered by different providers.

33. We note the points made by respondents on whether the overall balance of the future system is appropriate between compliance and enhancement. Overall, we consider it appropriate to continue with our proposed approach of designing an integrated system to be ambitious in aiming to secure a high quality education for all students. Previous TEF exercises had a strong focus on enhancement, with concerns about compliance assessed through separate activity, and the public bodies review of the OfS highlighted the disconnection between these separate activities. We intend that the future integrated system will have the dual aims of ensuring that all providers comply with the minimum requirements for quality and of incentivising higher levels of quality and continuous improvement beyond the minimum requirements. We consider it an appropriate balance to assess all providers for compliance as well as quality that exceeds the minimum requirements, and to have stronger incentives and increased scrutiny where there is not high quality.
34. We have considered the points that providers may be more concerned with meeting minimum requirements because of the integration of compliance assessments, and wary of showcasing innovation. Our proposals set out strong incentives for the highest ratings, which we think will drive enhancement across the sector. The TEF assessment criteria will include reference to innovation and rewarding improvement. We also set out under proposal 14 our intention to continue publishing the outputs and outcomes of our quality assessments, including the outcomes of TEF assessments. We will further explore in the stage two consultation how we should take forward thematic reviews and the sharing of good practice, either led by us or in collaboration with other organisations. This demonstrates how promoting excellence remains at the heart of the future approach to quality, and we think this would mitigate the risk that providers will be risk-averse in their submissions or wary of showcasing innovation.

Quality and equality of opportunity

35. We welcome the broad support we received on the principle of TEF and APP alignment in the future and agree there are opportunities for potential alignment in areas such as shared datasets, complementary submissions, and alignment of submission cycles. We also note the requests for clarity in how and when alignment might be taken forward, and some of the risks identified by respondents, such as diluting the approach to access and participation more generally. We intend to consult further on more detailed proposals in the stage two consultation, with the aim to improve alignment, reduce duplication where possible, and ensure the two processes complement each other, while recognising they have distinct purposes.
36. We can see that responses across several of our proposals expressed concern about the potential negative impact on providers that typically support higher numbers of disadvantaged or non-traditional student cohorts. These responses were commonly linked to the perception that these student cohorts may not achieve positive student outcomes, which would impact the rating a provider could achieve in the student outcomes aspect, and subsequently the interventions that are applied to that provider based on its lowest rating.
37. We recognise that the outcomes of students can be influenced by factors outside providers' control, but our view is that providers play a significant role in ensuring positive outcomes for

students through the quality of education they provide, and the support they offer to students before, throughout, and after their studies. A core aim of TEF is that it recognises how providers achieve this for their students. We intend that the future quality system should focus on securing positive higher education experiences and outcomes for all students. Every student – regardless of their background, circumstances or pathway – should benefit from high quality education that meets their needs and equips them to succeed.

38. In terms of minimum thresholds for student outcomes (condition B3), we recognise that progression to employment in particular can be influenced by factors outside a provider's control. This was part of our reasoning for no longer setting minimum thresholds for progression. We maintain that it is appropriate for us to set minimum thresholds for continuation and completion, as providers have more control of these outcomes and can identify the types of support needed by their students to succeed. We consider that all students, regardless of background, should expect to receive the support they need to succeed in their studies. When setting the minimum thresholds for continuation and completion, we took account of the differences in outcomes of different student cohorts across the sector, and we take account of the individual context of a provider if it is assessed for compliance with condition B3.
39. In terms of rating providers for quality above the minimum requirements, the TEF assessments will make use of benchmarked indicators. These take account of a range of factors outside of a provider's control, including socioeconomic background and – for the employment-related indicators – regional employment contexts. The TEF assessments will also take account of further context submitted by the provider. Further information on the approach to assessing student outcomes and taking account of context is set out in proposals 6 and 7, but we will also be consulting on further detail in stage two.
40. For these reasons, we do not think that providers with a high proportion of disadvantaged students are inherently disadvantaged in the scheme. Indeed, our student outcomes and TEF data dashboards include a number of providers that recruit high volumes of disadvantaged students and exceed the minimum thresholds and their benchmarks, and therefore can achieve the highest TEF ratings.
41. We have considered the risk that some providers may substantially change their recruitment practices and seek to reduce the volume of certain student cohorts that they consider may impact their student outcomes. We heard similar concerns on the introduction of condition of registration B3, on student outcomes. Our early evaluation of the impact of B3 shows no adverse impact on provider recruitment patterns of particular student groups, although we will continue to monitor this. Many of the points raised on the impact of considering student outcomes on equality of opportunity were also raised and considered during the consultation on revisions to condition of registration B3, which ran in 2022. Some further detail on how we considered these points previously, in the 2022 decision document on our approach to regulation of student outcomes, remains relevant.⁴
42. In response to the comments that contextual information from providers should be considered alongside data to explain the performance of different student cohorts, we had proposed submission of more limited contextual information. Under proposals 6 and 7 we

⁴ See OfS, [Student outcomes](#).

have modified this proposal and will allow further contextual information to be included in a provider submission, where that information can evidence the impact of actions taken to improve student outcomes. It should also be noted that assessors will have access to size and shape data for each provider, which will give wider context on a provider's student cohort.

43. Finally in response to all points on the link between quality and equality of opportunity, we would note that we engage throughout all our policy development and implementation with equality considerations, and consider carefully any responses made on the potential impact of our proposals on individuals based on their protected characteristics. In exercising our functions, we have due regard for the public sector equality duty in the Equality Act 2010 and our general duty under section 2(1) of the Higher Education and Research Act 2017 (HERA) to have regard to the need to 'promote equality of opportunity in connection with access to and participation in higher education'. Our consideration of our general duties in our decision making is set out at Annex A.

European Standards and Guidelines compliance

44. We can see there is a tension between different groups in the sector in relation to compliance with ESG. Some mission groups representing larger and specialist providers expressed support, and mission groups representing colleges expressed concern about any additional cost and burden that this may add. Broadly as proposed, we will continue to explore how the system adheres to European standards and guidelines for quality assurance, and work towards applying to join the European Quality Assurance Register for Higher Education at the appropriate time. However, the reduction of cost and burden remains a driving factor for many of our decisions, as set out in the decisions that follow.

Proposal 2: Providers in scope

45. We proposed to assess and rate all OfS-registered providers through the future TEF, on a cyclical basis, with rolling assessment cycles.

Consultation questions

Question 2a

What are your views on the proposal to assess all registered providers?

Question 2b

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

Decision

46. As proposed, we will assess and rate all OfS-registered providers through the future TEF, on a cyclical basis with rolling assessment cycles.
47. This means we will take forward the following elements of the proposal:
- We will revise condition B6 to reflect the requirement for all registered providers to take part in the TEF. We will consult on revisions to condition B6 in stage two.
 - All registered providers with undergraduate students will be included in the first cycle, and those with only taught postgraduate students will be included from the second cycle onwards.
48. However, we will change the way we assess and rate providers that do not have sufficient NSS data. This is set out under the decisions on proposal 9. We will develop further proposals, for consultation in stage two, about supporting smaller providers to take part efficiently and effectively.

Key themes

Expanding to all registered providers

49. Respondents broadly supported the principle of bringing all registered providers into the scope of TEF, with many recognising the benefits for students, including improved comparability, fairness, and visibility of quality across the sector.
50. Many respondents raised the financial and administrative burden associated with participation in TEF, noting this would have the largest impact on smaller and specialist providers, which often have limited staffing and financial resources. A few responses from further education colleges suggested that TEF participation should remain voluntary for them, because of the significant pressures placed on their already stretched capacity. Suggestions of phased participation or a lighter-touch approach for first-time or small providers were also made, with the aim of supporting fairness and reducing burden. There

were suggestions for an approach to assessment for smaller providers that reflects the size and scale of their provision, such as setting shorter and more focused submission expectations. Some respondents noted the limitations of datasets for smaller institutions and suggested adjusted evidence requirements; these might include alternative, qualitative evidence such as focus groups, case studies, and contextual narratives.

51. A few also commented that small and specialist providers may struggle to produce representative student submissions.

Enabling smaller providers to participate effectively

52. Many respondents suggested ways we could support smaller providers to participate effectively in the TEF. These included sharing clear and early guidance, templates, briefings, webinars and workshops to help providers understand the framework and build confidence in participating. Respondents also suggested creating peer networks with providers and stakeholders that have more experience with TEF, including buddying arrangements and shared best practice.

Our response

Expanding to all registered providers

53. We note broad support for the principle of bringing all registered providers into the scope of TEF and acknowledge the concerns raised in relation to burden, resource constraints, and data limitations affecting smaller providers. We have considered suggestions for the TEF to be voluntary, to take a lighter-touch approach, or to use alternative forms of evidence for smaller providers or those that do not have sufficient data.
54. In response, we consider it appropriate that students at all types of provider, including those at smaller institutions, should in future benefit from the same quality system. We have set our strategic ambition that all students should have the opportunity to benefit from high quality education, and making TEF voluntary for some providers would be inconsistent with this. It would mean that there would not be assurance or information about quality for students at providers that choose not to take part, and those providers would not be incentivised to deliver high quality or continuously improve their provision.
55. We consider that a level of burden associated with external quality assessment is justified, to provide assurance to students and taxpayers and to incentivise improvement. The future TEF will integrate assessments of compliance with the B conditions of registration, and we consider it fair and appropriate that the performance of all registered providers is considered under these ongoing conditions through the same process, rather than selecting only a small number for consideration as with the current approach. We also consider it is in the interest of students for all providers to be incentivised to deliver high quality above the minimum requirements and to continuously improve their provision.
56. However, we know that smaller and specialist providers often operate with different student populations and data profiles, and recognise that they are concerned about the burden of participating in the TEF. Rather than changing the proposal to bring all registered providers into the scope of the TEF, we have made other modifications that seek to minimise burden and enable all providers to participate in an efficient way. In particular, we have changed the proposed approach for providers that do not have sufficient data, as set out under proposal

9. Providers will only be rated for whichever aspects we have sufficient data indicators for, removing the need for alternative evidence. This will reduce burden, while continuing to assure quality for students and incentivising improvement at all providers. We have also consulted on proposals to reduce duplication of effort for further education colleges that are subject to dual regulation.⁵

57. We respond to points about representative student submissions under proposal 10.

58. In response to suggestions for phased participation for first-time or small providers, we are taking forward the proposed approach to scheduling most providers without a current TEF rating for their first assessment in the latter part of the first cycle. This would allow more time for those unfamiliar with TEF to prepare, and for more data to become available at some providers. We will also, if appropriate, defer the first assessment of some providers into a fourth year (i.e. the first year of the second cycle). The approach to scheduling is covered in further detail under proposal 11.

Enabling smaller providers to participate effectively

59. Many respondents emphasised the importance of supporting small providers and made suggestions for how we and other stakeholders can do this. We will explore these suggestions collaboratively with stakeholders and, in the next stage of the consultation, will seek comments on the provision of tailored guidance, structured templates and simplified presentations of data.

⁵ Available at OfS, [Consultation on proposals to change how the Office for Students regulates further education colleges in England](#).

Proposal 3: Provision in scope

60. We proposed to assess undergraduate provision in the first cycle of assessments and to extend the scope to include postgraduate taught provision in the second cycle.

Consultation questions

Question 3a

Do you have any comments on what provision should be in scope for the first cycle? You could include comments on areas such as:

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

Question 3b

Do you have any comments on the proposed approach to expanding assessments to include taught postgraduate provision in future cycles?

Decision

61. As proposed, we will assess undergraduate provision in the first cycle of assessments and extend the scope to include postgraduate taught provision in the second cycle.
62. This means we will take forward the following elements of the proposal:
- a. The first cycle will include all undergraduate courses that a provider has responsibility for. This includes courses taught by the provider and courses taught by other providers in the UK through partnership arrangements, whether through subcontractual arrangements (franchised provision) or through validation of qualifications.⁶
 - b. Students taught through partnership arrangements will be considered in the assessments of both the lead provider and the teaching provider. For student information purposes, we will present the ratings of the teaching provider and consider how best to link to information about the lead provider.
 - c. We will present data separately for the students taught by a provider and students taught elsewhere through partnership arrangements. Material differences in quality between taught and partnership provision will have a limiting effect on a provider's ratings. We will consult further in stage two about whether data should be separate for different types of partnerships, and about how the limiting effect would work.
 - d. From the second cycle, we will aim to extend the scope of TEF assessments to include taught postgraduate (PGT) provision. We envisage that providers would be rated

⁶ Our proposal referred to 'other providers in England'. We are amending this to include partner providers in the UK.

separately for their undergraduate and their PGT provision. As part of the next stage of consultation, we will provide further information about the timescales for developing a PGT student survey and for further consultation before we extend the TEF to include PGT provision.

- e. Regarding modular provision, the first cycle of TEF assessments will consider the quality of the courses within which funded modules sit. We will develop modular indicators for inclusion in the second cycle of TEF assessments. In addition, we will make proposals in stage two about monitoring risks relating to modular provision during the first TEF cycle.

63. We sought views on whether or not apprenticeship provision should be included in the first cycle of TEF assessments. We have decided they will be included. We will aim to minimise potential overlap with assessments by Ofsted, and will consult on proposals for this in stage two.

Key themes

Assessing undergraduate provision in the first cycle

64. Some respondents commented on this point, and they agreed that undergraduate provision should be assessed in the first cycle.

Apprenticeships

65. There was some support for the inclusion of apprenticeship provision, with respondents noting that the TEF could cover aspects that are not picked up by Ofsted (such as student outcomes), suggesting consistent expectations of quality across all forms of provision, or suggesting that including apprenticeships would reflect the diversity of higher education provision.
66. Most respondents highlighted risks associated with including apprenticeships, including duplication of regulation by Ofsted that could result in unnecessary burden for providers. A few respondents suggested clear alignment between regulators, that apprenticeship provision should be regulated by a single body, or that apprenticeships should be excluded from the future TEF. Some highlighted the potential for increased complexity in the assessment because of employer-led delivery models, or suggested different types of outcomes for apprentices may not be reflected by our outcome indicators.

Partnership provision

67. Many respondents supported the overarching approach to assessing partnership provision, agreeing that presenting data separately could improve transparency. Views differed on whether partnership provision should be rated separately, with a few suggesting that this could offer more transparency to students. A few suggested that different types of partnership provision, such as franchised and validated provision, should be acknowledged and may require different assessment approaches.
68. Some respondents disagreed with the proposal that material differences in the quality of partnership provision should have a limiting effect on a provider's rating, on the basis that they felt this could result in misleading judgements, or deter partnerships.

Extending the scope for future cycles

69. Respondents commented on the future inclusion of PGT provision in response to this proposal and proposal 15. The key themes raised and our response relating to PGT provision are all covered in this section.
70. Most respondents supported including postgraduate provision in future cycles. Reasons for support included giving students fuller information, promoting quality assurance for postgraduate learners, and ensuring parity between undergraduate and postgraduate provision.
71. Many respondents raised points for further consideration, or caveats to their support. Some highlighted differences between PGT and undergraduate provision or potential limitations in PGT data that should be considered, or commented on issues to be resolved in developing a PGT survey. A phased or pilot approach was suggested, to allow time to develop data and design the assessment framework. Some considered it important that the inclusion of PGT provision should not create undue burden for providers, students or the OfS.
72. The intention to place greater focus on modular provision within TEF was welcomed by a few respondents, and further detail was sought on how this provision would be assessed.

Our response

Apprenticeships

73. We note mixed views about including apprenticeship provision in the future TEF. We have considered the points raised in relation to dual regulation and potential burden, and suggestions for clear alignment between regulators, or that apprenticeship provision should be regulated by a single body. In response we consider that the experience and outcomes of apprenticeship students at higher education level should be assessed, and improvements should be incentivised, in ways equivalent to those applied for other higher education students. We consider the scope of Ofsted assessments of apprentices to be narrower than the TEF, particularly regarding student outcomes. We consider it would be in the interest of apprenticeship students to include them in the TEF assessments, but we are mindful of the need to avoid unnecessary burden. We will consult in stage two on proposals for how we can include apprenticeships in a way that complements rather than duplicates Ofsted assessments. We note that it is not within our remit to determine that a single body should regulate apprenticeship provision.
74. We have also considered points about the distinct nature of apprenticeship provision, and comments about how outcomes may not be reflected by our outcome indicators. We note that the B conditions are applicable to all types, modes and levels of higher education provision. We aim to design the TEF in a way that reflects all types of providers and provision, and will consult further on the assessment criteria and method to this effect. Regarding the data, we note that outcomes of apprenticeship students are benchmarked only against those of other apprenticeship students.

Partnership provision

75. We welcome support for presenting partnership data separately. We acknowledge there would be some benefits in rating partnership provision separately, but maintain that the additional cost, burden and complexity of taking this approach would not be outweighed by these benefits.
76. We note some disagreement that material differences in the quality of partnership provision should have a limiting effect on a provider's rating. We consider that the approach we proposed coheres with the more general approach to assessing a provider across the full range of its provision and taking account of how consistent its performance is, when determining the rating. We will consult further in stage two about how consistency would be considered. We do not consider it would be misleading for the rating to reflect the totality of provision that a provider is responsible for, including its partnership provision. In response to the point that this proposal might deter partnerships, we do not consider it would be in the student interest for low quality partnership provision to continue without appropriate incentives to improve.
77. We will also consider further whether the data for franchised and validated-only partnerships should be presented separately, and whether these different types of partnership should be assessed in the same way or not. We will consult on this in stage two.
78. In considering our decisions we noted that our proposal had referred to the scope of TEF assessments including 'courses taught by other providers in England through partnership arrangements'. Since consulting, we have established new requirements for the oversight of subcontractual arrangements in English higher education.⁷ These requirements relate to registered providers' oversight of their subcontractual partnerships in the UK. To align with those new requirements, the scope of the TEF will include courses taught by other providers in the UK (not just England) through partnership arrangements.

Extending the scope for future cycles

79. We note broad support for including PGT provision in future, and we will extend the scope to include PGT provision in the second cycle of TEF assessments. We recognise there are several issues to consider further, including the development of a PGT survey. Deferring PGT provision until the second cycle will allow time to do this and to consult further as appropriate, before introducing PGT provision into the TEF. We will aim to develop and consult on an approach that avoids undue burden.
80. We note the support and requests for further information in relation to modular provision, and we will include proposals about this in the second stage of consultation. We have also recently published further information about our approach to regulating modular provision.⁸

⁷ Available at OfS, [Consultation outcomes: New requirements for the oversight of subcontractual arrangements in English higher education](#).

⁸ See OfS, [How OfS regulation will change when the LLE is introduced](#).

Proposal 4: Assessment aspects and ratings

81. We proposed to assess and rate providers for 'student experience' and 'student outcomes', and to generate 'overall' provider ratings based on these two aspect ratings.

Consultation questions

Question 4a

What are your views on the proposal to assess and rate student experience and student outcomes?

Question 4b

Do you have any comments on our proposed approach to generating 'overall' provider ratings based on the two aspect ratings?

Decision

82. As proposed, we will assess and rate providers for 'student experience' and 'student outcomes'. As set out in the decision about proposal 9, each provider will be rated for whichever aspects we have sufficient data indicators for.
83. We will change the proposal to award providers an 'overall' rating in addition to the aspect ratings. Instead, we will not award an overall rating and providers will only receive ratings for student experience and student outcomes.
84. This means we will take forward the following elements of the proposal:
- a. The student experience aspect will consider the quality of course content and delivery, assessment, academic support, resources, and student engagement. These align with conditions B1, B2 and the 'effective assessment' element of condition B4.
 - b. The student outcomes aspect will consider students' success in and beyond their studies, in terms of continuation and completion, and measures of further study and employment outcomes. This aligns with condition B3.
 - c. Each aspect will be rated as 'Gold', 'Silver', 'Bronze' or 'Requires improvement'. We will change the descriptions of these rating categories to align them with the requirements of the B conditions. Alongside this we will clarify that the requirements set out in the B conditions represent the minimum level of quality required, rather than representing high quality.
 - d. Gold and Silver ratings will represent high levels of quality above the minimum requirements; Bronze ratings will align with meeting the minimum quality requirements; and Requires improvement ratings will signal there are concerns about meeting the minimum requirements and improvement is needed.

- e. Equality of opportunity will be embedded in the assessment of each aspect, by considering the extent to which the quality of the student experience and outcomes are consistent for all groups of students.

Key themes

Aspects of assessment

- 85. Respondents were broadly supportive of the principle that the future TEF would continue to assess the student experience and student outcomes, but they raised several points they thought it would be important for the OfS to consider, relating to provider context and a provider's own evidence alongside the OfS data indicators. Respondents thought that this would allow a fair assessment considering the diversity of providers. Those points are discussed under proposals 5 and 7 in particular, and points made about the availability or reliability of the data indicators for some providers are also discussed under proposal 9.

TEF rating categories

- 86. Respondents made a number of points on our proposed changes to the TEF rating categories, and in particular raised concerns with our proposal that a 'Bronze' rating in future would represent meeting minimum requirements rather than high quality. They suggested the focus on high quality, or performance above the minimum requirements, from the previous TEF should be retained, for several reasons.
- 87. It was suggested this change could cause confusion for prospective students and the general public, in comparison with current TEF ratings, or because respondents considered the terms 'Gold', 'Silver' and 'Bronze' all imply positive performance (for example, in the context of medals).
- 88. There were comments on how the proposed definition, and the proposed consequences attached to Bronze ratings, could have negative reputational effects for providers or the wider sector, including internationally. Linked to the potential for reputational effects, the point was made that the proposed rule-based approach to generating overall ratings could lead to more of the sector being rated Bronze in future. There were suggestions that providers might become more risk-averse in terms of innovation and widening participation, for example by avoiding recruitment of certain students who might historically be at risk of weaker performance, in order to avoid getting a Bronze rating.
- 89. A few respondents commented on the possibility of a provider being well above B3 thresholds but being awarded Bronze for student outcomes. It was suggested the proposed description of Bronze would not be an accurate reflection of quality in such cases.

Overall ratings

- 90. There was some support among respondents for the principle of having overall provider ratings in addition to the aspect ratings. Those in support thought the simplicity and clarity of overall ratings would be valuable to users of the ratings and would help enable comparisons between providers.
- 91. However, a much larger proportion were not supportive of our proposal for overall ratings, particularly the proposed mechanism for determining them. Some thought that individual aspect ratings were more useful, or that overall ratings could obscure provider strengths in

either the student experience or student outcomes, and some questioned the effectiveness of broad rating judgements more generally in presenting a complete and nuanced picture of a provider's performance. Several respondents noted that Ofsted has moved away from the use of single-word judgements towards a report card system.

92. Regarding our proposal to introduce a rule-based approach for determining the overall ratings (whereby a provider's overall rating would be the same as its lowest aspect rating), there were suggestions the approach could lead to outcomes that misrepresent overall provider performance, particularly if one aspect rating has been influenced by external factors or less reliable data. Respondents commented on the range of factors they considered could affect student outcomes indicators in particular.
93. If overall ratings were to be retained, the preference of many respondents was to use an approach similar to that in the previous TEF, with panel members using their expert judgement to determine overall ratings with consideration of the range of evidence and the provider's context. It was thought that a more holistic approach could mitigate issues that might arise with a data-led assessment of outcomes and result in a more balanced assessment.

Our response

Aspects of assessment

94. We welcome the broad support for TEF continuing to assess the student experience and student outcomes, and will proceed with this approach. We note respondents' views about the assessments considering providers' own evidence and context alongside the data indicators, and under proposal 7 we explain that we have decided to make some modifications to our approach to assessing student outcomes, which will include expanding the range of contextual information that can be submitted. Also under proposal 7, and under proposal 5, we address the more specific points made about the data indicators, including in relation to NSS coverage, and the proposed use of salary data.
95. We recognise the points made by respondents about how small cohort sizes can mean the indicators for a provider are uncertain or unavailable, and we address these under proposal 9.

TEF rating categories

96. In respect of our proposal to redefine Bronze as meeting minimum quality requirements rather than high quality, and to clarify that the requirements of the B conditions represent the minimum quality requirements, we maintain that this is appropriate for an integrated quality system in which all providers are required to meet a minimum level of quality and are strongly incentivised to deliver quality above this level.
97. While the current B conditions require 'high quality' they use definitions that include 'sufficiency' and 'adequacy'. Our experience of carrying out quality assessments has suggested that in some cases providers are delivering a level of quality that is sufficient, but that we would not consider a 'high quality' experience for students. We also think that the terms 'sufficient' and 'adequate' would not generally be understood by students or the public as representing 'high quality', but do correspond with the underlying aim of the B conditions in ensuring a minimum level of protection for all students and taxpayers. To align TEF with

the requirements of the B conditions and to integrate assessments (for which there was broad support) we continue to think it is necessary to adjust the requirements set out in the B conditions and the definition of a Bronze rating.

98. With regard to comments about the redefinition of Bronze potentially causing confusion, it remains our position that the proposed changes to the rating category descriptions will improve the clarity of the categories and the distinctions between them. As part of our evaluation of the TEF 2023, we commissioned research with applicants into their use of TEF information.⁹ The research found that, while applicants understood the basic distinctions between Gold, Silver and Bronze – recognising these to be tiered performance levels – they were less clear about the exact differences between the TEF ratings when shown the written definitions of each category.
99. Our view, supported by this research, is that the current definition of Bronze in particular is complicated and difficult to convey, representing that a provider was delivering both quality at the level of the minimum requirements in some areas, and quality materially above this level in other areas. In addition, we consider the current definition of ‘Requires improvement’ can also be difficult to explain, in that it can represent either that the provider is not delivering enough excellence for Bronze, or that there are potential concerns about a provider’s compliance with the minimum requirements. We consider it would be clearer and more coherent for the lowest rating to represent ‘not meeting’ requirements, and the next rating to represent ‘meeting’ those requirements.
100. We note that a few respondents made comments suggesting the term ‘Bronze’ is widely understood (for example, in the context of medals) to be a positive outcome, and that our proposed changes to the Bronze description and the associated consequences do not align with this. However, our research described in paragraph 98 also found that it tended to be Gold and Silver ratings that gave applicants a sense of reassurance about their choices.
101. Overall, we disagree that the changes to the rating descriptions will cause confusion for prospective students. Rather, we consider the changes will introduce clearer definitions which will better enable applicants and students to make use of the ratings with confidence. We acknowledge there will be some differences in the meaning of future ratings compared with TEF 2023 ratings, and are considering how best to manage the transitional period when both sets of ratings will be publicly available, including through clear communication to students. This is discussed under proposal 15.
102. We note respondents’ points about the potential for negative impacts on provider or sector reputation, and we recognise that in some cases respondents may be viewing the proposed changes to the definition of Bronze alongside our proposal for strengthened incentives and interventions linked to different ratings. In the consultation we set out that we want the future system to be more ambitious in driving improvements and securing high quality for all students across the sector. We consider that an ambitious quality system that is robust in driving improvement and provides clear information is likely to enhance confidence in the sector, including internationally. We consider that the rating category changes will not only contribute to TEF judgements that clearly and accurately reflect the level of quality being delivered, but in combination with the set of incentives and interventions will provide a strong

⁹ See OfS, [Applicants’ use of TEF information](#).

reputational incentive to improve, including for providers that deliver the minimum level of quality. We address in more detail respondents' views about our proposed incentives and interventions under proposal 13, and respond to points about providers becoming more risk-averse in terms of innovation or widening participation under proposal 1.

103. In respect of the potential for reputational effects linked to more providers being rated Bronze overall in future, we set out in paragraphs 106 to 112 that we have changed our proposal to award providers overall ratings, and will instead award only aspect ratings.
104. In the second stage consultation we will set out proposals on amendments to the relevant B conditions to clarify that they represent the minimum quality requirements, rather than high quality, and we will also consult further on the descriptions and the criteria for each TEF rating category.
105. We note the comments from respondents about the potential for a provider substantially exceeding minimum B3 thresholds to receive a Bronze rating for student outcomes, and through our further consultation on the descriptions and criteria we will seek to ensure that the Bronze rating category appropriately and clearly reflects the level of quality represented by the B conditions.

Overall ratings

106. We note the limited support for retaining overall provider ratings alongside the aspect ratings, and we recognise that where there was disagreement this may in some cases be connected to our proposed approach to generating the overall ratings.
107. We have considered comments about how overall ratings may obscure a provider's aspect level performance, queries about the general usefulness of broad rating judgements, and points about how Ofsted is moving away from single-word judgements. We agree that the aspect ratings provide useful information about a provider's performance, and we acknowledged in the consultation that it is unclear from the research we have conducted with applicants to date whether publishing overall and aspect ratings, or aspect ratings alone, would be more or less useful to applicants. We have given the role of TEF ratings in student information further consideration, and have concluded that in a more rules-based system an overall rating would provide little additional information that is useful to students, while the aspect ratings would clearly communicate the outcomes of the assessments to students.
108. In respect of our original proposal for a rule-based approach to generating overall ratings, respondents made points about the value of expert judgement and consideration of context, and in some cases it appears respondents' disagreement with the rules-based approach was linked to our proposed approach to assessing student outcomes (with respondents noting the range of factors they feel can impact the outcomes data). We acknowledge the value respondents place on expert judgement, but do not consider that the additional benefits of overall ratings based on expert judgement would outweigh the additional cost and complexity this would add to the process.
109. One benefit of retaining overall ratings would be that they would provide a strong incentive for providers to improve their lowest aspect rating, and we had intended to use the overall rating to determine the frequency of a provider's assessment and to apply incentives and regulatory interventions. However, we could instead link the incentives and interventions to

the lower of the two aspect ratings, or the provider's only aspect rating if it is not assessed for both student experience and student outcomes. We consider that linking the incentives and interventions to aspect ratings in this way would still provide a strong incentive for providers to improve their lowest aspect. Taking this approach would avoid the additional cost and complexity of overall ratings based on expert judgement, and avoid the concerns raised about our proposed rules-based approach to overall ratings.

110. In considering whether to proceed with our approach to overall ratings as proposed, we have also taken into account the modifications we are making to our approach to assessing providers that do not have sufficient data (see proposal 9), which will mean providers are assessed for student experience only if they have sufficient NSS data. This change would have the effect of increasing the number of providers with overall ratings based on only one aspect rating, which we consider also reduces the case for having overall ratings at all.
111. Taking into account the feedback we received on the principle of having overall ratings, the concerns raised about our proposed approach to generating them, and the effect of our changed approach to providers that do not have sufficient data, we have decided on balance there is insufficient reason to proceed with awarding providers an overall rating. Instead, providers will only receive the aspect ratings. Under proposal 13 we explain our decision that the incentives and interventions will be linked to a provider's lower (or only) aspect rating.
112. In the stage two consultation we will consult further on how we present published TEF information in future. We want TEF outcomes to be as useful as possible for the student audience, and are exploring what additional detail, beyond the aspect ratings, applicants and students might find valuable. We have commissioned further research with prospective students to inform our approach, and as part of this we will also test understanding of the new rating category descriptions and how we present outcomes where a provider is assessed for only one aspect. In stage two we will also provide further detail on how we would expect each provider to display its own outcome.

Proposal 5: The student experience aspect

113. We proposed to:

- align the scope and ratings criteria for the student experience aspect with the requirements of conditions B1, B2 and B4
- assess the student experience on the basis of provider submissions, an expanded set of NSS-based indicators, and additional evidence from students.

Consultation questions

Question 5a

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

Question 5b What are your views on our initial thoughts on the criteria for the student experience rating (at Annex H [of the consultation document])? You could include comments on:

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

Question 5c

What are your views on the evidence that would inform judgements about this aspect? You could include comments on issues such as:

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

Decision

114. As proposed, we will:

- align the scope and ratings criteria for the student experience aspect with the requirements of conditions B1, B2 and the 'effective assessment' element of B4.
- assess the student experience on the basis of provider submissions, an expanded set of NSS-based indicators, and additional evidence from students.

115. As set out in the decision about proposal 9, we will only assess the student experience aspect if we have sufficient NSS data indicators for the provider.

116. This means we will take forward the following elements of the proposal:

- a. In broad terms, the student experience aspect will consider the quality of course content and delivery, assessment, academic support, resources, and student engagement.
- b. We will expand the NSS-based indicators used in the previous TEF, to also include an indicator based on the 'Learning opportunities' theme of the NSS. The NSS-based indicators will be benchmarked to show how positive a provider's students are about aspects of their experience, compared with the views of similar students on similar courses across the sector.
- c. The provider submission should contain evidence determined by the provider – as relevant to its context – that demonstrates how it meets the student experience ratings criteria. Providers will be guided to supply evidence that demonstrates the impact and effectiveness of their approaches to delivering a high quality or outstanding academic experience for their students. There will continue to be a page limit for the provider submission.

117. Under proposal 10 we consulted on the additional evidence from students that would inform the assessment of the student experience aspect. We set out in the decision on proposal 10 that we will expect providers to facilitate an independent student submission, rather than gathering student input through an alternative means.

118. We sought views on our initial thoughts about the criteria for assessing the student experience aspect. We will develop them further and consult on proposed criteria in stage two.

Key themes

Scope of the aspect

119. Many respondents supported or agreed in principle with the proposed scope of the student experience aspect and how it aligns with the relevant B conditions of registration. Those in support considered the proposals would result in a more joined-up approach to quality regulation and reduce duplication for providers, and a few welcomed that there would not be substantive changes to the approach used in the previous TEF.

120. Some respondents queried the relationship between the compliance requirements of the B conditions and the enhancement function of the TEF, and whether TEF assessments in future would be more of a compliance check. There were suggestions that a clear distinction between regulatory compliance and excellence assessed through the TEF should be maintained. Points made about the future system's overall balance between compliance and enhancement were also made in response to other proposals, including proposals 1 and 13.

Ratings criteria

121. Some respondents were broadly supportive of the proposed ratings criteria, considering them a useful or reasonable starting point for assessing the student experience.
122. Respondents also made a range of suggestions for how the proposed criteria could be improved. There were comments on how the differentiation at the Bronze, Silver and Gold levels could be clearer, including to support consistent application of the criteria across providers, and requests for definitions of key terms. There were also comments on how contextualisation would be important in applying the criteria, and suggestions the criteria as proposed could be considered more relevant to 'traditional' higher education delivery models, and therefore less applicable to certain types of provider or provision. Some thought that staff team sizes and qualifications were particularly context-specific and would reflect each provider's cohort sizes, courses and student needs.
123. Some respondents commented on the proposed course-level framing of some of the criteria (those related to condition B1), with a general preference for these to be framed at the provider level instead, for example with reference to provider-wide mechanisms, systems and approaches. A few thought that the proposed framing could imply providers need to submit detailed evidence relating to each of its courses.
124. A few respondents queried the inclusion of condition B4, and whether its requirements are appropriate for building on at the Silver and Gold levels.

Evidence

125. While many respondents considered the NSS data useful or supported its proposed role in the assessments, there were a range of comments about its perceived limitations, including the availability and reliability of this data for all providers, the applicability of the NSS questions to all types of subject or course (for example, creative or practice-based courses), and the perception-based nature of the survey and how questions can be open to interpretation.
126. A number of respondents commented on the relationship between the NSS themes and the B conditions. Some respondents questioned how well the NSS themes relate to, or provide sufficient evidence against, the B conditions. In addition, while many respondents supported the inclusion of the 'learning opportunities' theme, there were also mixed views on how well the theme maps to condition B1, and some suggestions of including the 'organisation and management' theme as well.
127. Regarding the broader evidence base, some respondents were supportive of the approach to using and triangulating multiple sources of evidence, with others commenting on the need for provider and student evidence to avoid an overreliance on the NSS data. There were also some comments on the potential limitations of desk-based evidence, or a process that is too light-touch, in arriving at sufficiently robust judgements, including in the context of the potential consequences of lower ratings in future. Views on student evidence are covered in more detail under proposal 10, and views on our original proposal to gather student views through alternative means, where we do not have sufficient NSS-based indicators for a provider, are discussed under proposal 9.

128. In respect of provider submission page limits, many respondents were in favour of retaining the current limit (25 pages). There were comments on how the scope of the student experience aspect would be broader than in the last TEF, and that retaining the current page limit would enable providers to present robust, comprehensive evidence, or give those with limited or uncertain NSS indicators space to contextualise the data and submit supplementary evidence. There was a view that the page limit should be the same for all providers to ensure fairness, although in contrast some respondents thought page limits should be based on provider size. A few respondents suggested more directive templates or guidance could support providers to develop succinct submissions that still cover the core requirements.

Our response

Scope of the aspect

129. We welcome the broad support among many respondents for our proposed scope of the student experience aspect and the principle of greater alignment with the B conditions.

130. We note that respondents made comments across a number of proposals on the overall balance of the future system between compliance and enhancement, and whether more of a distinction should be maintained. We address those comments under proposal 1. We would again note, however, that a key aim of our proposals is for these functions to be more integrated. We intend that the TEF in future will both identify concerns about compliance and recognise and reward providers for delivering the highest levels of quality for their students.

Ratings criteria

131. In the consultation we provided our initial thoughts on how the criteria for Gold, Silver and Bronze ratings could be presented, and we welcome the useful points and suggestions for how these might be refined. We will consider these before proposing a revised set of criteria in the second stage consultation.

132. As part of this, we will take into account the requests for clearer differentiation between the ratings, definition of key terms, and ensuring the criteria are broad enough to be applicable to diverse providers and students. We will also consider further the way the 'course content and delivery' criteria are framed.

133. With regards to the inclusion of B4, we can clarify that the TEF would consider only the 'effective assessment' element of the condition and not the element that is concerned with the credibility of awards being maintained over time. We do consider a provider's assessment and feedback practices as experienced by students to be an area where it is appropriate to incentivise increasing levels of quality.

Evidence

134. We note respondents commented across a number of different proposals on the perceived limitations of the NSS data. In respect of the availability and reliability of this data for all providers, we explain under proposal 9 that we have decided to change our proposed approach to assessing providers that do not have sufficient data, meaning that providers will now be assessed for the student experience aspect only where sufficient NSS-based indicators are available. We also explain under proposal 9 that we will be undertaking work to

improve the availability and coverage of the NSS indicators for more providers over time, including through considering how we might extend the NSS to students on one-year courses.

135. We acknowledge the NSS is a survey of student perceptions, but our view remains that students' views on their experience are important. We explained in the consultation that the NSS indicators would continue to be only part of the evidence considered in the assessment of the aspect, alongside evidence in the provider and student submissions. If a provider or its students feel particular NSS themes do not capture elements of their academic experience, they will have the opportunity to reflect on this and provide other relevant evidence or insights in their submissions.
136. Regarding how well the NSS themes relate to and provide evidence against the relevant B conditions, our view is that overall the NSS themes we have proposed, with the addition of the learning opportunities theme, have clear relevance to the requirements of the B conditions and to the ratings criteria that build on the B conditions. In guidance to providers we will be clear about which NSS indicators correspond to each of the criteria for the aspect, and whether there are any criteria to be judged on submission evidence alone. We note the suggestions of including the 'organisation and management' theme, but consider this has less direct relevance to the B conditions. Taken together, we consider the set of NSS indicators proposed and the submissions will provide sufficient evidence of quality across the relevant B conditions and ratings criteria for the student experience.
137. More broadly, we consider our proposed approach to assessing the student experience aspect, through balancing multiple evidence sources, will avoid any overreliance on the NSS data. We would also note that the NSS data takes account of a provider's context through benchmarking, and the data will always be considered alongside additional contextual information from providers. We will provide more detail in the stage two consultation on how the different sources of evidence will be weighted.
138. In response to the suggested limitations of a desk-based assessment, we would note that the TEF 2023 was similarly desk-based and our evaluation of the exercise suggested it was received well overall from a process point of view, and that most providers interviewed as part of the research were satisfied with and expected the outcomes they received.¹⁰ We acknowledge that incorporating site visits into the assessments would provide additional insights, but this would also come with substantial increases in cost and burden. Instead, we will continue to look at how we could build sample-based visits into our approach as a way of more efficiently ensuring that outcomes are robust and reflect students' real experiences. We would also note that, as explained in the consultation, a Requires improvement judgement for the student experience aspect would not in itself mean that a provider is in breach of the relevant quality conditions, because it is likely that further engagement or assessment (with a visit) would be needed to establish this.
139. We note many respondents were in favour of retaining the current page limit for provider submissions, and we would agree that this broadly worked well in the previous TEF, in terms of giving providers enough space to submit the evidence they consider necessary while also minimising the burden of submission and assessment. We are giving further consideration to

¹⁰ See IFF, Evaluation of the TEF 2023, published by the OfS.

whether there should be separate page limits for each aspect, given our streamlined approach to assessing student outcomes, and because some providers would only be assessed for one aspect.

140. We do not think there would be sufficient reason to have differential page limits based on the size of the provider, which would add complexity and potentially restrict some providers unduly. However, as with the previous TEF, we expect there would be no obligation for a provider with less complex provision to use the full number of pages if it does not need to.
141. We will consult further on the provider and student submissions in the stage two consultation, and we are also developing further proposals around how guidance or structured templates could, as respondents suggest, support providers to develop their submissions in an efficient way. We would expect use of any such template to be optional.

Proposal 6: A revised and integrated condition B3

142. We proposed to revise and simplify our minimum requirements for student outcomes (condition B3) and integrate into the future TEF an assessment of whether a provider meets them.

Consultation questions

Question 6

Do you have any comments on our proposed approach to revising condition B3 and integrating the assessment of minimum required student outcomes into the future TEF? You could include comments on areas such as:

- removing the progression indicator from condition B3
- how contextual factors would be considered at different stages in the process.

Decision

143. Broadly as proposed, we will revise and simplify our minimum requirements for student outcomes (condition B3), and integrate into the future TEF an assessment of whether a provider meets them.

144. We will change one element of this proposal. Where student outcomes fall below the minimum threshold, we had proposed we would only consider contextual factors that explain historical performance. Instead, we will now also consider actions a provider has taken to improve outcomes where the impact of those actions is demonstrable.

145. This means we will take forward the following elements of the proposal:

- a. We will remove the progression indicator and its associated thresholds from the requirements of condition B3.
- b. We will integrate the B3 student outcomes indicators with the benchmarked TEF indicators.
- c. In their TEF submissions, providers will be invited to provide relevant contextual information that might justify any continuation or completion rates below threshold, especially where these are also below the provider's benchmark.
- d. When assessing student outcomes in the TEF, we will identify any below-threshold indicators (including split indicators) that are sufficiently material and are not explained by reference to benchmark performance, to warrant further consideration. We will then consider whether the relevant contextual information submitted by the provider justifies the below-threshold performance.
- e. The provider will be awarded a rating of Requires improvement for student outcomes if there are continuation or completion indicators that are below minimum thresholds and

are not justified, and these are considered to be material to the overall outcomes it delivers. We will consult in stage two on how we propose to determine materiality.

Key themes

Integrating the assessment of whether a provider meets minimum requirements

146. Many respondents supported the proposal to integrate the assessment of whether a provider meets minimum requirements for student outcomes into future TEF assessments. Those who expressed support agreed that this would be likely to result in more streamlined regulatory processes and reduce duplication, as well as providing a clearer picture of institutional performance.
147. However, some respondents suggested there was a risk that introducing a compliance element to TEF assessments could impact on the TEF's role in incentivising quality enhancement.

Removing the progression indicator from Condition B3

148. There were high levels of support for the removal of the requirement for providers to meet a minimum threshold for progression, generally because respondents agreed that the factors affecting employment outcomes are complex, and that these are less directly under the control of the provider than whether a student continues or completes their course. Some of those who supported its removal also commented on perceived weaknesses in the Graduate Outcomes Survey (GOS) data, such as the response rate achieved, which – in the respondents' view – made it unsuitable for use in assessing compliance with the condition. Additionally, some respondents considered that the indicator did not accurately reflect positive outcomes for some students, given their motivations for study, or for some subject areas.
149. Those who opposed the removal of the progression indicator mainly did so because they were concerned about how this might affect perceptions of the importance of positive career outcomes among both students and providers. Some highlighted a specific risk that providers could reduce investment in employability initiatives as a result, and that this could be contrary to the student interest. They suggested that, if we were to proceed with removal of the progression threshold, a mitigation would be to ensure that progression remained central to ratings assessments and that there was a strong focus on employability, particular in terms of providers taking steps to ensure positive employment outcomes for all student groups.

Consideration of contextual factors

150. Responses to this question suggested the OfS should consider a provider's context in terms of its mix of students and the courses it delivers, as well as its mission. In respondents' views this was important in ensuring that assessment outcomes are fair. While respondents were generally in agreement that contextual information is valuable and should be considered, some respondents commented that it was difficult for them to give a conclusive view on this proposal without seeing more details about what kinds of contextual information would be considered in assessments and how it would be weighted.
151. On the specific proposal to no longer consider improvement actions planned or taken when reaching judgements about meeting the requirements of condition B3, and only to consider

these when deciding on any regulatory action, many respondents thought that this could result in judgements that did not reflect a provider's current performance because of the lags in the indicator data, and that this had the potential for outcomes to mislead prospective students. They argued that allowing providers to supply their own evidence about improvements would avoid what they saw as unfairly penalising providers that had already taken effective remedial action in areas of weakness.

Student outcomes indicators and assessment approach

152. In responding to proposal 6, many respondents also made comments about the broader approach to assessing student outcomes and the range of indicators that we proposed to use. These included requests for the OfS to adequately account for external factors that influence student outcomes and the limitations in their view of some of the data indicators. As these comments did not specifically relate to proposal 6 and reflected similar points to those made in response to the proposal on assessing student outcomes, we have considered them under proposal 7.

Our response

Integrating the assessment of whether a provider meets minimum requirements

153. The proposal to integrate the assessment of whether a provider meets minimum requirements for student outcomes into future TEF assessments was generally supported, and our view is that the reasoning we set out in the consultation remains valid. We will therefore proceed with the proposal. We note the comments made by some respondents about a risk of this proposal resulting in a reduced focus on quality improvement, and these are addressed under proposal 1.

Removing the progression indicator from Condition B3

154. We note the broad support for this proposal and have considered concerns that it could reduce providers' focus on employability initiatives, potentially leading to reduced investment and negative consequences for students. Our view is that this risk would be mitigated, as career support and positive employment outcomes – including those reflected in the progression indicator – will remain an integral part of TEF assessments.

155. While providers will no longer need to meet minimum numerical thresholds for progression, the assessment criteria will incentivise them to make improvements in how they prepare their students for their future careers. When determining the rating for student outcomes, students' progression and other post-study outcomes will be considered, where such data is available. Closer alignment of the scope of the student experience aspect with the relevant B conditions also means that providers assessed for that aspect would need to demonstrate that their courses develop skills relevant to their students' future careers, that they are informed as appropriate by industry and professional developments, and that students have the resources and support they need to succeed in and beyond higher education, including appropriate careers support. Additionally, the increased emphasis on consistency within the ratings criteria should complement the incentives created by our access and participation regulation for providers to deliver targeted support for students from groups where outcomes are less positive.

156. We therefore continue to hold the view that minimum requirements for student outcomes should relate to continuation and completion only, while TEF ratings for student outcomes should additionally consider a wider set of benchmarked post-study indicators (including progression). We will proceed to implement this proposal as initially set out.

Consideration of contextual factors

157. Some of the data indicators we use to assess student outcomes are lagged, because of the timing of data collections and the use of four years' worth of aggregated data. We acknowledge comments that this could result in judgements that would not reflect a provider's current performance. The current requirements of condition B3 involve assessing performance below the minimum threshold and whether a provider's context 'justifies' those outcomes. Such context could include credible actions that a provider has taken, or plans to take, to improve outcomes.
158. We had proposed to amend this approach by assessing historical performance and its context first and to then consider improvement actions only when deciding whether intervention was necessary. This could have led to a finding of a historical breach without imposing any intervention, where actions already taken had a measurable impact on performance or planned actions were likely to improve performance. Having considered consultation responses, we accept that taking account of improvement actions as part of the assessment is seen as fairer by providers and would be more supportive of a culture of improvement.
159. We have therefore decided to revise our proposed approach, and will consider evidence that actions already taken have had a positive and measurable impact on student outcomes, in decisions about compliance with condition B3, and subsequently the TEF rating. However, we will proceed with the change to no longer consider plans for future improvement in our assessment of compliance with condition B3 or a TEF rating. We continue to hold the view that the quality assessments must be evidence-based and it would be inappropriate to consider a provider's plans for future improvements or actions where resulting improvements cannot yet be evidenced, either when deciding whether a provider meets minimum requirements or when reaching a ratings judgement.
160. As set out in some responses – determining a rating based on plans might provide misleading information about current performance. We also intend to achieve greater alignment between APPs and the TEF in the future. APPs would remain forward looking, and assessments of these would consider the extent to which a provider's planned future improvement activity is focused appropriately.
161. We will set out in stage two the type of contextual information and evidence of the impact of improvement actions that we propose would be considered in future integrated assessments of student outcomes. To ensure the judgements are fair and robust, we will develop guidance on standards that such evidence would need to meet. We will also set out further details of our approach to assessment, including whether more recent years of data would be weighted more heavily in future assessments, to help mitigate the impact of data lags.

Proposal 7: The student outcomes aspect

162. We proposed to rate student outcomes based on benchmarked indicators of continuation, completion and a broader set of post-study indicators, and taking contextual factors into account.

Consultation questions

Question 7a

What are your views on the proposed approach and initial ratings criteria for the student outcomes aspect?

Question 7b

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

Question 7c

What are your views on the proposal to consider a limited set of contextual factors when reaching judgements about this aspect?

Decision

163. Broadly as proposed, we will rate the student outcomes aspect based on benchmarked indicators of continuation, completion and an expanded set of post-study indicators, and taking additional context into account.

164. We will change one element of this proposal. When assessing student outcomes, we had proposed to limit the additional context we would consider to historical factors other than those already accounted for in benchmarking. Instead, we will also consider actions a provider has taken to improve outcomes where the impact of those actions is demonstrable.

165. We will also consider further how to take account of absolute performance alongside benchmarked performance, when assessing student outcomes. We will consult in stage two about this.

166. This means we will take forward the following elements of the proposal:

- a. Continuation and completion will be measured and benchmarked in the same way as in the 2023 TEF, and will continue to be aggregated over the four most recent years.
- b. In addition to the existing progression indicator, we will introduce a measure of graduates' reflections on how far they are using what they learned in higher education in their post-study activity, and a salary measure derived from the Longitudinal Education Outcomes (LEO) dataset. These will be benchmarked to take account of different student characteristics, provider and employment contexts.

- c. We will embed equality of opportunity in the assessment. We will continue to present 'splits' in the data for different student and course characteristics. We will consider in the next stage of consultation how to simplify or reduce the range of splits in the data, for assessment purposes.

167. We will base the student outcomes assessment on these benchmarked indicators, drawn from existing national data sources. Additional contextual factors that relate directly to these indicators and are not already accounted for by benchmarking, will also be taken into account.

168. We will consult further in stage two about the definitions and criteria for student outcomes, the construction of the additional post-study indicators, relevant contextual information and how the indicators and contextual information would be interpreted and weighted.

Key themes

Overall approach to assessing student outcomes

169. Nearly half of the respondents who commented on this proposal expressed some support for the proposed overall approach of basing the assessment of student outcomes on data indicators and relevant contextual information. They gave reasons such as its potential to reduce complexity and regulatory burden while allowing for robust judgements, and the appropriateness of the range of indicators proposed. Other respondents were less supportive, for the reasons set out in paragraphs 170 to 176.

Ratings criteria

170. Most of the comments made about our initial thoughts on the ratings criteria were positive, with respondents describing them as fair and consistent with previous TEF exercises. Some respondents thought the criteria could be more clearly defined or have greater differentiation between levels, and a few considered them to define positive outcomes too narrowly. Some sought further information about concepts used in the criteria such as materiality, and how these would be defined and applied. A few respondents, including one mission group, suggested giving greater weight to absolute performance alongside benchmarks.

Post-study indicators

171. Some support was expressed for the expansion of the post-study indicators to represent a more rounded view of positive outcomes and graduate success. However, many respondents expressed reservations about the proposed salary indicator, mainly because of what they viewed as limitations of the LEO dataset. Some respondents highlighted that it is not possible to identify whether individuals are working part-time in the LEO data, and thought this could lead to a risk that institutions where large numbers of graduates were working part-time would be penalised, as the indicator would underrepresent their full-time equivalent earnings. Others raised that the LEO data would present an incomplete picture of graduate earnings, as it only includes graduates working in the UK, and that in their view this could distort outcomes for institutions with high proportions of international students. Additionally, some respondents felt that judgements based on this indicator might not reflect current levels of quality because of the time lag between students completing their course and appearing in the indicators, and suggested that more current data be used instead.

172. Some respondents did not agree that salary was an appropriate indicator of positive student outcomes. They gave reasons such as its potential to disadvantage institutions offering vocational pathways where graduates enter essential but lower-paid roles, or those whose graduates enter socially valuable but lower-paid professions. Some thought that a salary indicator would not take account of local employment situations, or held the view that in some subjects early career development does not result in high salaries, so earnings are not an appropriate measure of success.
173. Fewer respondents commented on the use of the GOS as a data source than on the LEO dataset. The views on GOS were more balanced between those who thought the survey provided valuable data and those who had reservations about its use. The two main limitations highlighted by respondents were the timing of the survey meaning that some graduates who had undertaken interim study or training might not yet be settled in employment or further study, which they thought could unfairly impact on providers with large numbers of students in this situation, and lower response rates from international students, which they argued could impact negatively on providers with substantial international cohorts. Some respondents were unconvinced of the suitability of a use of skills indicator for assessing quality, particularly as they thought there was a risk that graduates could interpret the corresponding survey question more narrowly than intended, reducing its usefulness. Others, however, recognised that it could be helpful in understanding the extent to which graduates had developed broader skills and competencies, and that it could complement the other indicators.

Suggestions of other measures

174. Most respondents who commented on this proposal suggested alternative or additional measures, or evidence that they thought could be used in the assessment of student outcomes. The most commonly suggested of these was a longitudinal career progression measure. Other suggestions included a measure of alignment of skills developed with local or national priorities, employer feedback, and alternative approaches for those in creative industries.

Provider submissions and contextual information

175. Around half the respondents who commented on this proposal thought the approach to the assessment of student outcomes should allow for meaningful contextualisation of data by providers. Their suggestions of factors that could be relevant included student characteristics, type of provision, and the local employment context. Some respondents commented that limiting the contextual factors that would be considered might not allow for the complexity of factors that affect student outcomes, and the interactions between these to be captured. Small and specialist providers thought this could impact on them negatively because of the nature of their provision, the types of students they typically recruit, or their size, which they felt meant greater contextualisation of the indicators was often appropriate. Additionally, some respondents considered limiting the use of contextual factors would be inappropriate because of the lags in indicator data and suggested this could result in judgements not reflecting current performance. Respondents requested further detail about the factors that would be considered and how these would affect judgements.
176. Some respondents questioned the proposed removal of consideration of evidence about broader educational gains under this aspect, as they felt these were an important element of

student success. A few also suggested that providers should be able to make a less constrained narrative submission than was proposed.

Our response

Overall approach to assessing student outcomes

177. The overall approach we proposed of basing the assessment of student outcomes on data indicators and relevant contextual information was intended to reduce burden, streamline assessments, and ensure comparable outcomes, and many of those who commented agreed it had the potential to do this. We have considered the issues raised in other key themes and have not identified any reasons that persuade us to depart from the proposed approach. We consider that the concerns raised about the potential of unfairness to individual providers of an assessment based on the proposed indicators – because of the nature of their provision or the characteristics of their students – are mitigated by consideration of context remaining central to our approach. Context will be considered both through benchmarking the indicators and contextual information supplied by providers, noting that we are expanding the range of contextual information that providers can submit, as set out in paragraphs 157 to 159.

Ratings criteria

178. We welcome the generally positive feedback on our initial thoughts about the criteria for rating student outcomes, and will develop these further, taking account of the comments made and to ensure that they reflect other decisions we have taken. In particular, we will ensure that the criteria reflect our decisions under proposal 4 (about how the rating categories align with minimum requirements) and under proposal 6 (changes to condition B3).

179. We are also considering the suggestion of giving greater weight to absolute performance alongside benchmarks. We recognise the concern in responses to proposal 4 about the possibility of a provider being well above B3 thresholds but being awarded Bronze for student outcomes. This would be an unintended outcome, and we will reconsider how best to take account of absolute performance above the minimum thresholds for continuation and completion alongside benchmarked performance.

180. We will consult further in stage two on the detailed design of student outcomes criteria, including on clear definitions of concepts such as consistency and materiality, and how the indicators would be interpreted and weighted in assessments.

Post-study indicators

181. We have considered the comments made about our proposal to develop a new salary indicator based on the LEO dataset and to consider this alongside other post-study indicators. We acknowledge that the LEO data has some limitations, such as not distinguishing between part-time and full-time employment. We believe that the risk of these affecting individual providers negatively can be mitigated by the way in which we define and benchmark the indicators, through consideration of contextual information in our assessments, and by not placing undue weight on any single post-study indicator. For example, through benchmarking we will control for factors such as subject, age and sex, and this should mitigate potential negative effects for providers where part-time work is more

prevalent among graduates. We will consult in stage two on how the post-study indicators would be weighted in the assessments.

182. While we recognise that the salary indicator we proposed would be more lagged than other indicators, we remain of the view that a longer-term measure of student outcomes has value. As we set out in the consultation, using the LEO data allows us to supplement what we learn from GOS responses, which reflect outcomes at an early stage of graduates' careers. The LEO data also has a more complete population than the survey. We would not consider this indicator in isolation, and will set out in stage two detailed proposals for how we would guide assessors to weight the different student outcomes indicators alongside any contextual information submitted by providers.
183. We have noted the comments about the appropriateness of salary as a measure of positive student outcomes. We acknowledge that there are many motivations for undertaking higher education and success can be viewed in different ways, which is why we have proposed to use a number of different indicators in combination, to understand whether a provider's students are achieving positive outcomes. We know that potential post-course earnings are an important consideration for many students. We continue to hold the view that a salary measure is a useful indicator of positive outcomes, alongside other indicators.
184. In terms of the comments that using salary as an indicator has potential to disadvantage providers where graduates enter either essential or socially valuable roles which are lower paid, or where their provision is focused on courses with relatively low earnings in early career stages, and comments about differences in local employment situations, we consider that these will be mitigated by the way the assessments will take account of context. The indicator will be benchmarked to control for factors such as subject, level of study and geography, and the provider will be able to submit information about additional factors not accounted for by benchmarking.
185. We have also considered the comments about the proposal to develop a new indicator based on responses to the GOS question about the extent to which graduates are using what they learned in their studies in their current activity. We note that the point about low response rates from international students would also apply to the existing progression indicator, and that a similar concern was raised about the limitation of the LEO data only covering graduates working in the UK. We note that the population for the existing progression indicator is UK-domiciled graduates, and we expect in stage two to propose the same population for the new use of skills indicator. We think that aligning these populations would be the best approach if we are using the new indicators to supplement progression. We also accept that the salary indicator would only cover graduates working in the UK.
186. We acknowledge this limitation in the coverage of the post-study indicators, and will mitigate it by ensuring the judgements will be informed by an understanding of the provider's context including the proportion of international students. The data will be considered alongside continuation and completion data that includes domestic and international students. We will guide assessors to treat the absence of post-study data about these groups of students neutrally. We have considered the alternative approach of working with Jisc to increase GOS response rates among international students. However, this would result in providers incurring considerable additional cost through the Jisc subscription fee, and many of the survey's questions would not result in helpful information for onward use. For example, it is

known that many international students will return to their home countries after completing their studies and it is uncertain how job outcomes in other countries could be classified in a comparable way, or benchmarked for the purpose of creating TEF indicators. We therefore do not plan to do so at this time.

187. We have considered the points made about interim study and we agree with those respondents who suggested it would be appropriate to consider its potential impact on indicators based on GOS responses, due to the timing of the survey. As part of our contextualisation of these indicators, we intend to present the percentage of graduates contributing to the indicators who have undertaken interim study.
188. We have considered the comments about the suitability of the use of skills indicator in assessing student outcomes, and continue to hold the view set out in the consultation that this indicator would complement the others by providing a view of how well providers have prepared graduates for their future, regardless of their type of job or salary. In terms of the potential for the survey question to be interpreted differently by different respondents, we do not consider this would disadvantage individual providers, as we intend to use this indicator to supplement the progression indicator in a way that would lead to a more positive rather than negative view of post-study outcomes.
189. For the reasons we have set out in paragraphs 181 to 188, we have decided to proceed with developing the additional post-study indicators that we proposed, and to use these alongside the existing progression indicator, where data is available, to allow for a balanced assessment of post-study outcomes. In stage two, we will include detailed proposals for the interpretation of the post-study indicators, including for scenarios where they are not all available, how interim study would be taken into account, and how limitations in their coverage would be treated neutrally.

Suggestions of other measures

190. We have considered suggestions for additional measures of post-study outcomes, including longitudinal career progression, employer feedback and alignment with skills needs. While we recognise the potential value of such measures, our view is that to avoid imposing greater regulatory burden on providers we should not introduce new data collections to inform TEF assessments. We will instead focus on making best use of the available datasets, including the ability of LEO to provide longer-term insights, and we will continue to engage with Jisc about ongoing development of the GOS.

Provider submissions and contextual information

191. We have considered responses that suggest additional types of contextual information that should be considered alongside the indicators, including student characteristics, type of provision, local employment contexts and the interactions between multiple factors. In response, we consider that all these factors are already included in our proposed benchmarking approach.
192. We recognise the concerns raised by smaller and specialist providers and the suggestion that they might need greater contextualisation of the indicators. We consider that our proposal will enable them to contextualise the indicators, as they will be able to submit contextual information in relation to factors not already accounted for in benchmarking. This might include context related to, for example, the distinct or specialist nature of their

provision or their students' employment outcomes. Our decision under proposal 9 means that we would only assess student outcomes if the data is statistically reliable, mitigating concerns about small numbers of students represented in the data.

193. Responses to this proposal and to proposal 6 argued that judgements based on lagged or historical outcomes data may not reflect current performance. In response, for the same reasons as set out under proposal 6, when rating student outcomes we will consider actions a provider has taken to improve outcomes, where the impact of those actions is demonstrable. As explained in paragraphs 158 to 161, we will consult further on our detailed approach to this in stage two.
194. We have considered comments that providers should be able to make a fuller narrative submission or provide evidence of wider educational gains. As we explained in our proposals, our view is that continuing with the previous approach to educational gains for all providers in the future TEF would be overly burdensome. We continue to hold that view and believe that our proposed approach represents an effective way of addressing two of our priorities, minimising burden and producing comparable assessment outcomes, in the design of our future approach.
195. We will provide further detail about the contextual factors that would be considered in assessments and how these would affect judgements in the next stage of consultation.

Proposal 8: Assessment and decision making

196. We proposed:

- that TEF assessments would be conducted by an evolving pool of academic and student assessors, supported and advised by OfS staff
- to adopt a risk-based approach for the assessors to give further consideration, when outcomes would have a potentially negative impact on a provider.

Consultation questions

Question 8a

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

Question 8b

What are your views on only permitting representations on provisional rating decisions of Bronze or Requires improvement?

Decision

197. Broadly as proposed, the TEF assessments will be conducted by an evolving pool of expert academic and student assessors, supported and advised by OfS staff.

198. This means we will take forward the following elements of the proposal:

- a. Assessments will be carried out by assessors with expertise in the development and delivery of higher education in diverse provider contexts, and experience of being and representing students.
- b. We will appoint an evolving pool of TEF assessors, rather than a single 'TEF panel'. Assessors will be appointed through an open recruitment process.
- c. OfS staff will manage the assessment process, and support and advise the TEF assessors.

199. In addition, we want to further develop our thinking on the role of OfS staff in contributing to making decisions about ratings. We will consult further in stage two about who will carry out the assessments and make decisions about the outcomes, and the role of OfS staff in this.

200. As proposed, we will consider representations from providers about the ratings only when that rating would have a potentially negative impact on a provider.

201. This means we will take forward the following elements of the proposal:

- a. All providers will be able to make representations about the factual accuracy of their assessment report prior to publication.
- b. A provider would be able to make representations about a rating only if it is provisionally Bronze or Requires improvement.

Key themes

Expert review

202. There was broad support for the proposed approach and respondents agreed that a diverse pool of assessors would be important for maintaining sector-wide confidence in TEF outcomes. Some respondents thought it would be important for assessors to have experience of a range of different providers, including those offering specialist provision, to support a holistic, independent and impartial assessment. We also received suggestions about how we might support the recruitment and appointment of assessors from a wide range of providers. Some respondents also raised the issue of burden for assessors who already have limited capacity, such as staff (and students) from small or specialist institutions, who often fulfil multiple roles.

203. Many respondents agreed with the inclusion of students as assessors, and respondents emphasised that student assessors should reflect the diversity of the student body. A few respondents commented on the potential for OfS staff to play greater roles in assessments, which we had indicated that we were considering. They considered the role of OfS staff should be limited to acting in a managerial capacity to support and advise on the process, to avoid the perceived risk of bias and undermining the credibility of judgements, or should have a key role in maintaining consistency across assessment teams or panels.

Representations

204. Many respondents expressed some support for only permitting representations on provisional rating decisions of Bronze or Requires improvement, commenting that this would reduce burden and efficiency across the sector, and protect the OfS's capacity to deal with higher risk cases and manage the volume of assessments. However, a larger proportion of respondents considered that representations should be permitted for all ratings (although respondents referred to representations for 'all ratings', we assume the intent was to favour representations for ratings up to and including Silver). Some expressed concern that limiting representations to Bronze and Requires improvement ratings could undermine confidence in the process, and could be seen as unfair given the benefits associated with higher ratings.

205. Some further commented that restricting representations could be particularly unfair for small or specialist providers, as data can fluctuate more and impact ratings, and if this were the case for a Silver provider it might wish to put its case forward and explain its data further, in order to achieve a higher rating.

Our response

Expert review

206. We welcome the support we received on our proposals that TEF assessments would be conducted by an evolving pool of academic and student assessors and this will be central to the approach we will take. Respondents also agreed with our proposals that a diverse pool of assessors, from a range of providers, will be important to ensure experience is relevant to the types of providers being assessed in each cohort. We will consider the suggestions made on how we can expand our recruitment to a diverse range of providers. We acknowledge the points made about the potential burden on assessors from small and specialist providers in particular. Many of our proposals are intended to reduce burden for assessors as well as burden on providers. We consider that our proposals on prioritising a data-led approach (in proposals 7 and 9), and constraining representations to certain ratings, will have the combined effect of limiting burden on assessors.
207. We have considered the comments that the role of OfS staff in assessments should be limited to managerial processes, or have a focus on ensuring consistency across panels or assessment teams. While we agree there is value in the OfS supporting assessments in this way, we also consider OfS staff could have a further role to play in assessments, working alongside the academic and student assessors. As well as helping to ensure consistency, it has been our experience that OfS staff can play an important role in taking appropriate account of individual provider context, and in clearly communicating the assessment outcomes at the end of the process. As we set out in our proposals we also consider OfS staff would have expertise in assessments of condition B3 (as OfS staff have conducted those assessments to date), and more generally in understanding and interpreting the data indicators. We also consider that increasing the role of OfS staff on assessment panels or teams will reduce the burden on academic and student assessors. With these benefits in mind, we will further develop our thinking about the role of OfS staff in the assessments and consult on proposals about this in stage two.

Representations

208. We welcome the support we received for our proposed to only permit representations on provisional rating decisions of Bronze or Requires improvement, on the basis that this would reduce burden for providers and the OfS. However, we acknowledge that more respondents favoured extending representations to all ratings, and we received comments that perceived limiting representations to be unfair. Although we have considered the responses received carefully, we maintain our position that it would be appropriate to only consider representations where the rating received leads to a potentially negative impact for that provider, beyond the reputational benefit linked to the higher ratings. We consider that because an aspect rating of Requires improvement or Bronze will be linked to interventions or restrictions (as set out in the decisions on proposal 13), they could have a potentially negative impact on the provider and it would be appropriate to consider representations on these ratings. As the benefits for Silver and Gold ratings are the same (other than reputational benefits), we maintain that considering representations for these ratings would unduly increase the overall cost and burden of the scheme on providers and increase the workload of expert assessors. We also think this would not be an efficient use of OfS resources. We will set out further detail about the representations process, and the grounds we will consider for representations, in the stage two consultation.

209. Some respondents commented that restricting representations could undermine confidence in the process. We intend to publish information about the outcomes and outputs of our quality assessments (further detail is given in proposal 14). In this way we will be transparent about the evidence and the findings for all providers' assessments. We will also develop proposals to undertake sample-based visits, to test the accuracy of the desk-based TEF assessments and resulting ratings (see proposal 15 for further detail). We consider these approaches will build and maintain the sector's confidence in future TEF assessments.
210. We understand the point about small datasets and data volatility affecting small providers in the context of representations, and our approach to the consideration of data explicitly accounts for the treatment of small datasets. We therefore do not think that we should revise our proposals on this basis, as the contextual information we would allow providers to submit alongside their data would be able to explain any data anomalies that have such an impact, so this would already have been considered by assessors.
211. We did not receive any response on our proposal that all providers would be able to make representations about the factual accuracy of their assessment report prior to publication. As this is in line with our approach to publication set out in Regulatory advice 21: Publication of information, we will proceed with this proposal.¹¹

¹¹ See OfS, [Regulatory advice 21: Publication of information](#).

Proposal 9: Varying the approach for providers with limited data

212. We proposed to:

- use an alternative means of gathering students' views, where we do not have sufficient statistical confidence in the NSS-based indicators for a provider
- not rate the student outcomes aspect where we do not have sufficient statistical confidence in the student outcomes indicators for a provider.

Consultation questions

Question 9a

What are your views on our proposal for an alternative means of gathering students' views to inform the student experience aspect where we do not have sufficient NSS-based indicators? You could include comments on:

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

Question 9b

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

Decision

213. As proposed, we will not rate the student outcomes aspect where we do not have sufficient statistical confidence in the student outcomes indicators for a provider.

214. We will change the proposed approach where we do not have sufficient statistical confidence in the NSS-based indicators for a provider. Instead of gathering student views through an alternative means so all providers could be rated for student experience (as proposed), we will not rate the student experience aspect in these cases.

215. The effect of this change means that each provider will be rated for whichever aspects we have sufficient data indicators for, minimising the burden on providers and ensuring more consistent evidence.

216. We will consult further in stage two about:

- a. Refinements to the definition of what we would consider to be sufficient data for an assessment of each aspect.
- b. Actions to improve sufficiency of data, for more providers.
- c. How we would take account of the availability of data when scheduling providers for assessment.
- d. How to clearly communicate outcomes and present the absence of an aspect rating neutrally to students.

Key themes

NSS data and collection of student views through alternative means

217. Many of the respondents who commented on the proposal to collect student views through alternative means expressed support in principle for this proposal. The most common reason given for this was the potential for the proposed approach to ensure parity in assessment by making evidence available for providers where most students are not within the coverage of the NSS, or where small numbers lead to low levels of statistical confidence in NSS data.
218. While supporting the intention of the proposal, most of those who commented raised potential issues with implementing it, such as the practical challenges of achieving robust and representative evidence through alternative means such as focus groups. Responses highlighted risks of bias in the selection of students and inconsistency in approach across providers, leading to a lack of comparability between the assessment outcomes and potential issues with their reliability, which they suggested would undermine the aims of the proposal. A few small providers also mentioned likely difficulty in securing input from their students, due to the nature of their student population (for example, large numbers of part-time, mature students with employment or caring commitments).
219. Some responses to this proposal also raised the additional administrative burden and cost that would fall on the provider if it were to manage the evidence collection process. These comments were made most frequently by those at smaller providers, who emphasised their limited resources, and the difficulty they would experience in providing the additional effort and funding required to implement this proposal. Students who raised considerations of burden on providers also mentioned the potential for disproportionate burden on students and queried the OfS's ability to manage the evidence collection process for the estimated number of providers (one describing it as a 'huge undertaking'). More general concerns about the burden on smaller and specialist providers of participating in the TEF, and some suggestions for alternative approaches for these providers, were also raised in response to proposal 2.
220. Respondents who explicitly disagreed with the proposal raised the lack of comparability of alternative evidence with NSS data and what they saw as the resulting lack of comparability in assessment outcomes. A few suggested that we should take the same approach as for student outcomes and not rate providers for student experience if they do not have sufficient NSS data, a point that was echoed by a few students in their response to question 9b. Some respondents commented that they thought it should be a priority, either instead of or

alongside the proposed approach, to improve the availability of NSS data. They suggested this could be achieved through expansion of the survey's coverage and additional support to improve response rates where low response was likely to affect usability of the data.

Student outcomes

221. The number of respondents expressing support for the proposal not to rate student outcomes where we do not have sufficient data was around double that who expressed reservations. Their reasons for supporting the proposal were that they considered this to be a fair approach, which would help to ensure credibility of judgements and minimise risks of misinterpretation of a provider's outcomes.
222. Some respondents highlighted potential risks associated with the proposal. The most frequently mentioned was a reputational risk to small providers if the absence of a student outcomes rating was perceived negatively. Those who raised this risk suggested that it could be mitigated by clarity and transparency about the reasons for the absence of the rating and the way in which the provider has been assessed.
223. Other risks suggested included the potential for unfairness to those providers that would be rated for both aspects – as incentives and interventions would be linked to the lower of the two aspect ratings in these cases – and a lack of accountability for small providers with limited data.

Our response

NSS data and collection of student views through alternative means

224. We acknowledge that many respondents supported the intention of the proposal to collect student views by alternative methods, but we have also noted the extent of the reservations expressed about the likely robustness and representativeness of these alternative methods, the comparability of the resulting outputs and the concerns about cost and burden. As set out in our response to proposal 2, while we are taking forward the proposal to extend the scope of the TEF to include all registered providers, we have made modifications that seek to minimise burden and enable all providers to participate in an efficient way. Smaller and specialist providers are the most likely not to have sufficient NSS data so, in our consideration of the responses to proposal 9, we have given particular weight to the comments made by providers to which the proposed approach would be likely to apply, including comments about the cost and burden it would involve for them.
225. Given the additional complexity, cost and burden involved in collecting student views through alternative means, we have looked again at the numbers of providers and students directly affected by this proposal. Our most recent modelling suggests that we could have around 100 providers without sufficient NSS data, with a total of around 35,000 students within the scope of the TEF. This is in comparison with almost 300 providers with over 1.5 million students, that we would have sufficient NSS data for. Our view is that delivering focus groups, or collecting student views through other alternative means, for 100 providers would add significant cost and complexity relative to the size of the student population this would represent.

226. We have therefore considered an alternative approach of not rating student experience if we do not have sufficient NSS data, and what impact this would have on providers' ratings. We expect that roughly 90 per cent of providers without sufficient NSS data will have sufficient student outcomes data, so could be rated for that aspect. We have also started looking at how to improve the availability of NSS data. Around half the providers without sufficient NSS data have the majority of their entrants on one-year courses, so data availability for them could be improved in future by extending the coverage of the NSS.
227. On balance, we consider that the additional cost and complexity of proceeding with the original proposal is disproportionate to the benefits derived from rating the student experience in cases where we do not have sufficient NSS data. We have therefore decided to take the same approach as we proposed for the assessment of student outcomes, to reduce burden and cost while assessing all providers in a consistent manner. This means that we would only assess providers for student experience if they have sufficient NSS data, in terms of its coverage and the degree of statistical confidence we have in it.
228. Instead of collecting student views through alternative methods, we will prioritise improving the availability of NSS data at more providers. We are considering how we might extend the NSS to include students on one-year courses, and we will include proposals around this in the stage two consultation.
229. We will also review the proposed data sufficiency requirements for coverage of the NSS indicators. While we did not receive many comments about this, a few respondents disagreed with the proposed requirement that at least half of a provider's entrants must be on courses over one year in length (in the relevant mode). We consider it appropriate to revisit this in light of the decision only to assess providers with sufficient data, and will consult on this in the next stage.

Student outcomes

230. As set out in our original proposal, our view is that trying to assess student outcomes based on provider evidence would create substantial additional burden and would not result in comparable outcomes. We do not consider the comments on this proposal to raise issues that outweigh these considerations. We have therefore decided not to rate the student outcomes aspect where we do not have sufficient student outcomes data indicators for a provider.
231. We have considered the points made about how the absence of a student outcomes rating might be perceived, and note that these points will also now apply to providers that are not rated for student experience. We will mitigate the risk of negative perceptions resulting from the absence of an aspect rating by presenting this neutrally, carrying out research with applicants to determine the best way to do this.
232. We have considered the point about potential unfairness to providers that would be rated for both aspects in light of our decision to not rate the student experience aspect where a provider does not have sufficient NSS data, and the decision to link the incentives and interventions to the lowest or only aspect rating (see proposal 13). We acknowledge these decisions will result in a larger number of providers being rated for only one aspect, and having incentives or interventions linked to this. Our revised approach follows the principle that we will only provide an aspect rating where there is robust, comparable evidence. While

we recognise concerns about fairness where some providers have two aspect ratings and others have only one, we think that in the regulation of a diverse sector fair treatment does not mean identical treatment. We explored through our proposals an approach which would seek alternative evidence, and some respondents commented that this would raise issues of comparability of ratings and saw it as potentially unfair.

233. We think that a more appropriate and proportionate approach is to ensure that ratings (and the subsequent interventions and incentives) are based on robust and comparable evidence. This approach means that where we have evidence across both ratings we will apply a more precautionary approach, using the lowest rating to inform incentives and interventions. Where only one aspect can be rated, interventions and incentives will be based on robust and comparable evidence. Overall, we think this approach is fairer to all providers and also responds to comments about the proportionality of the scheme on smaller providers. As set out under proposal 13, we are exploring whether student growth limits should be applied flexibly to providers rated Bronze on one aspect and higher on the other aspect, and will consult on this in stage two. This would mitigate the concerns raised under this proposal about potential unfairness.

Revised approach

234. We recognise that our decision to rate a provider for an aspect only where it has sufficient data will result in more providers with only one aspect rating, and this has informed our decision not to award an overall rating in future (this is set out under proposal 4). We consider that the overall approach we have decided on will be a lower burden and a more consistent way of bringing all providers into the scope of the TEF. We acknowledge that we need to work through and consult on several further issues arising from this approach. These include:
- a. How we can maximise the number of providers we assess by increasing data availability, for example by extending the coverage of the NSS. We will also look to refine the definition of 'sufficient data'.
 - b. How we would take account of data sufficiency in our approach to scheduling assessments, for example by seeking to schedule providers in years when they are more likely to have sufficient data.
 - c. How best to present aspect ratings to students, including how to present the absence of one aspect rating in a way that is perceived neutrally.
235. We acknowledge that a small number of providers may not have sufficient data in either aspect, and we are considering how to bring them into the scope of the TEF in an efficient way. In the first instance we would aim to increase the availability of sufficient data and assess them when this is achieved. If appropriate, we might defer their assessment to the fourth year of the scheme (i.e. the first year of the second cycle), if that would assist with data availability. In the exceptional cases where it may not be possible to achieve data sufficiency, we would look to assess these providers through an alternative means and expect to consult on how to approach this at a later date, during the first cycle of TEF assessments.

Additional decisions

236. In proposal 9, we explained that we were also considering whether there were ways of making use of the NSS qualitative comments to inform future assessments. While we did not ask an explicit question about this, in their responses to question 9a a few respondents commented on this suggestion. Their responses did not support using the qualitative comments, with the main reason being the level of bias they thought would exist within them, as students who were not satisfied with their experience would be much more likely to comment than those whose experience had been positive. We agree that there is a risk these comments would not present a balanced view, and we have therefore decided not to use them in TEF assessments. We continue to view them as a potentially valuable source of regulatory intelligence, as they may highlight elements of provision that warrant further scrutiny.

Proposal 10: Student evidence and involvement

237. We proposed to include direct student input in the assessment of the student experience aspect for all providers, and to expand the range of student assessors.

Consultation questions

Question 10a

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

Question 10b

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

Decision

238. Broadly as proposed, we will include direct student input in the assessment of the student experience aspect for all providers as far as possible, and aim to expand the range of student assessors.

239. We will change one element of this proposal. We had proposed to gather student input through an alternative means, where it would be challenging or impractical for a provider's students to produce a submission. Instead, we will strengthen our expectations on the provider (if being assessed for student experience) to help facilitate an independent student submission.

240. This means we will take forward the following elements of the proposal:

- a. We will seek direct and independent student input for all providers that are being assessed for the student experience, through a student submission.
- b. The focus of the student submission will be on the student experience aspect, and will not cover the student outcomes aspect. We will still invite students' views on how well they consider providers are developing their skills and preparing them for their futures.

241. We will consult in stage two on expectations for providers to facilitate student submissions, and on any implications for the provider's assessment if students do not make a submission.

Key themes

Student evidence

242. Most respondents supported the inclusion of direct student input in the assessment of the student experience aspect for all providers. They saw this as helping to ensure that the student voice remains central to the TEF and considered it would provide richer and more authentic insights than NSS data and institutional submissions alone.

243. Many respondents suggested alternative approaches to gathering student input where a written submission was not practical. Some supported the use of OfS-commissioned focus groups, or similar mechanisms such as structured interviews where a provider has less well developed student representation structures. Some others thought student input should come through established student voice processes.
244. Some respondents highlighted challenges around securing independence, representativeness and consistency of outputs with alternative approaches such as focus groups. They cautioned that where providers select students, or where participation is based on self-selection, this could lead to inconsistent representation and introduce bias. A few respondents suggested mitigations for these risks, such as the use of structured frameworks, while others thought it would be more appropriate for providers to support student bodies to submit their own independent, evidence-based input.
245. Student respondents emphasised the value of independent evidence and suggested that where a provider does not have well developed student representative processes, the provider should be encouraged to develop these processes and enable students to make a submission, rather than the OfS finding a 'workaround' through alternative approaches. In response to proposal 5, a few respondents from students' unions argued that the absence of a student submission could be considered non-compliance with condition B2, and that alternative evidence should therefore not be permitted as a substitute for a submission.¹²

Student assessors

246. Many respondents recognised it was important to address barriers to participation to ensure a diverse and representative pool of student assessors. Some highlighted particular challenges around the availability of students in some subject areas and those with work or caring responsibilities. To overcome these, respondents suggested that paying students for their time and offering some flexibility in when assessments could be carried out could enable a wider range of students to take part and fit assessments around other commitments. They also suggested that additional training and mentoring by more experienced student assessors could help those from smaller or specialist providers to participate effectively.

Our response

Student evidence

247. We welcome the broad support for the inclusion of direct student input in the assessment of the student experience aspect for all providers. We have considered the points raised about our proposal to use alternative ways of gathering student input where student submissions are impractical. We acknowledge the support for this as a means of securing student input where a provider has less well developed student representation structures, as well as the points raised about the challenges and complexities that would be involved in ensuring such input is independent and representative.
248. Given the challenges and complexities of using an alternative method to gather student input where a student submission would be impractical, and that a main practical barrier to student

¹² See OfS, [Condition B2: Resources, support and student engagement](#).

submissions appears to be less well developed student representative structures, we have considered the suggestion for a different approach that was made by respondents. Student respondents in particular suggested that where providers do not have well developed student representative processes, they should be encouraged to develop these processes and enable students to make a submission.

249. On balance we consider this approach suggested by students would be preferable to our original proposal, because it would strengthen student representative processes where they are not well developed. This in itself will be in the student interest and aligns with the requirements for effective student engagement set out in condition of registration B2. We think it is reasonable to expect providers to help their students to overcome any practical barriers they might face in preparing a student submission, should students wish to make one. Taking this approach, instead of our original proposal, would also help ensure that student input into the TEF would be independent and student-led, and the approach to student input would be more consistent.
250. We have therefore decided that we will invite an independent student submission from all providers being assessed for the student experience aspect. Instead of finding an alternative means where the student body may find it impractical to make a submission, we will expect providers to help facilitate an independent student submission. Through the next stage of consultation we will work with providers and students to develop expectations on providers to help facilitate student submissions, and consider what the implications for a provider's assessment would be if students do not make a submission. We will also develop the format and guidance for the student submission.
251. As set out under proposal 9, we are no longer proposing to rate every provider for student experience. This means that we will not require a student submission for every provider, and we will consider further in the second stage consultation whether there might be other opportunities for students to input where a provider is only assessed for student outcomes.

Student assessors

252. We recognise the value of having student assessors from all types of provider, and acknowledge the practical barriers to this raised by respondents. TEF student assessors have in the past been paid the same amount as academic assessors, and this is an approach that we would continue. As proposed, we will aim to expand the range of student assessors, and we will consider the other suggestions made as we develop our approach to assessments and assessor recruitment.

Proposal 11: Assessment cycle

253. We proposed to:

- assess each provider for the first time within three years, according to a set of priorities
- link the timing of further assessments to the ratings awarded and our ongoing risk monitoring.

Consultation questions

Question 11a

What are your views on our proposed approach to scheduling providers for their first assessments? You could include comments on:

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

Question 11b

What are your views on our proposed approach to scheduling providers for subsequent assessments?

Decision

254. Broadly as proposed, we will assess nearly all providers for the first time within three years, according to a set of priorities.

255. We will change two elements of this proposal:

- a. Instead of assessing all providers within three years (as proposed) we will, if appropriate, defer the first assessment of some providers into a fourth year (i.e. into the first year of the second cycle). This could allow more time for data to become available for some newer or smaller providers.
- b. In the first year (2027-28) we will assess all providers with an existing aspect rating of Requires improvement or Bronze (rather than an overall rating of rating of Requires improvement or Bronze).

256. We will also take forward the following elements of this proposal:

- a. We will carry out assessments on a cyclical basis.
- b. Each year we will select a cohort of providers to be assessed in that year.

- c. When scheduling, we will take account of several factors including: increased risks to quality; allowing providers that do not currently have TEF ratings access to the benefits of holding a TEF rating; the benefits of assessing a diverse mix of providers each year; and whether any significant events would suggest we should not select a provider for assessment in a given year, for example a structural change or merger.
- d. In the first year (2027-28) we will assess some providers without an existing TEF rating, and some providers with an existing Silver or Gold TEF rating (in addition to all providers with an existing aspect rating of Requires improvement or Bronze).
- e. In years two and three we will assess all remaining providers with an existing Silver or Gold TEF rating, and nearly all remaining providers without an existing TEF rating.

257. We will consult further in stage two about:

- a. Additional factors we would consider when scheduling first assessments, including the availability of data, and the potential sequencing of TEF submissions and APPs.
- b. The circumstances in which some providers might request an extension to their submission deadline.

258. As proposed, we will link the timing of further assessments to the ratings awarded and our ongoing risk monitoring.

259. This means we will take forward the following elements of this proposal:

- a. Providers with Gold ratings will be assessed again after five years; those with Silver ratings after four years; and those with Bronze ratings after three years. If a provider has been rated as Requires improvement, we will consider what an appropriate timeframe would be before the provider should be reassessed. Following the decision to no longer award overall ratings, these durations will be based on the lowest (or only) aspect rating.
- b. We will retain the ability to assess a provider sooner if our ongoing monitoring identifies increased risks to quality.

Key themes

First assessments

260. While around half of respondents were broadly supportive of our proposed approach to scheduling providers for their first assessments, a range of comments were made about the potential for advantage or disadvantage for those assessed earlier or later in the cycle. A few respondents highlighted that the benefits or consequences of TEF ratings would apply to some providers sooner than others, with suggestions this could create market distortions and potentially impact student recruitment, provider reputation and forward planning. There were also a few comments suggesting that those assessed first under a new methodology would face a heavier interpretative burden, including because they would have less opportunity to learn from the submissions of other providers. There was a suggestion a more mixed initial cohort could allow for more learning from currently Gold or Silver rated providers.

261. In respect of currently unrated providers, a few respondents suggested it would be in the student interest to assess them sooner, while others suggested they be assessed later, from the second cycle. A few respondents suggested that scheduling could align with the availability of sufficient and robust data for a provider.
262. Some respondents made the point that advance notice of scheduling decisions would help providers plan ahead and allocate resources effectively. It was felt by some, including a number of student representatives, that notifying providers of their selection for assessment six months before their submission deadline might not give providers and students enough time to prepare submissions and could risk the quality of engagement with the process. Alternative suggestions included having notice periods of up to a year.

Scheduling factors

263. In the consultation we explained that we did not propose to avoid scheduling a provider's TEF assessment in the same year as another type of assessment by another body, such as Research Excellence Framework (REF) or Ofsted assessments. However, some respondents suggested that the OfS should take into account the timing of other major regulatory exercises such as these when scheduling, including to minimise capacity and burden issues for smaller or specialist providers or further education colleges.
264. Regarding the sequencing of TEF assessments and APP approvals, some respondents commented on the potential burden of the two processes running simultaneously or in the same year, particularly at smaller providers where the same staff are often involved in both. Others made comments suggesting that better alignment or deliberate sequencing of the two processes – not necessarily happening simultaneously, but where one informed the other – could reduce duplication and lead to a more coherent view of the whole student lifecycle.

Subsequent assessments

265. While most respondents broadly supported our proposed approach to scheduling subsequent assessments, some respondents commented on how our proposal for more frequent reassessment of providers with a Bronze or Requires improvement rating would result in greater burden and cost for those providers. There were comments that there should be a long enough gap between assessments for providers to be able to implement changes and see the impact of those changes, including because of the lag associated with the student outcomes data. However, there were also suggestions that providers with lower ratings should be able to request even earlier reassessment, if they believe they can demonstrate improvement and achieve a higher rating.
266. A few respondents suggested that the option of targeted – rather than full – reassessments could apply to Bronze rated providers as well as those with a Requires improvement rating.

Our response

First assessments

267. We note respondents expressed a range of views around which providers should make up the first cohort assessed. However, on balance, we consider it appropriate to proceed with our approach to prioritisation broadly as proposed, with some changes as set out in paragraphs 268 and 269.

268. It remains our position that those currently rated Bronze or Requires improvement should be assessed first, because this would be in the student interest and because of the changes to the meaning of these ratings. Following on from our decisions that we will not in future award overall ratings, and that incentives and interventions will be linked to the lower (or only) aspect rating, we have reconsidered when providers with a current overall rating of Silver and an aspect rating of Bronze should be assessed. If these providers retain their 2023 TEF ratings while other providers are assessed under the new scheme and achieve one Silver and one Bronze aspect, this could create potential unfairness (for example, if those with 2023 TEF ratings retain the benefits associated with their overall Silver rating). To avoid this situation we have decided that all 89 providers with an existing aspect – rather than overall – rating of Bronze or Requires improvement will be assessed in the first year.
269. In addition to assessing these in the first year, we consider it remains appropriate to select other providers from among those without an existing TEF rating, and some others with an existing Silver or Gold rating, to help to establish consistent interpretation of evidence and guidance, and to allow for calibration of judgements.
270. In response to comments about the benefits or consequences of TEF ratings applying to some providers sooner than others in a rolling cycle, and the suggestions this could create market distortions, we consider the potential for advantage or disadvantage for particular providers is minimised by our approach. In terms of the potential for impacts on provider reputation or student recruitment, we would note our approach will enable all providers with a current aspect rating of Bronze or Requires improvement to improve on their ratings from the outset. In respect of access to the benefits associated with Gold and Silver ratings, we can clarify that we expect these will apply to providers' 2023 TEF ratings, until they are replaced with ratings from the new scheme. Our approach will also allow for providers without a current TEF rating that wish to access the benefits sooner to request an assessment earlier in the cycle.
271. In response to comments about providers assessed in earlier cohorts facing a heavier interpretive burden, we would note that we are not proposing an entirely new approach to the TEF. We set out in the consultation that we considered the approach to assessing student experience in the previous TEF broadly worked well, and that there was insufficient reason to make substantive changes to that approach. This means that providers that participated in the last TEF will already have knowledge and understanding of the process and evidence requirements that will remain relevant to the next TEF, and providers taking part in the first cohort will be able to learn from the outcomes of the 2023 TEF.
272. In addition, the more streamlined, data-led approach to assessing student outcomes, with no requirement for providers to submit detailed supplementary evidence of their approaches to delivering positive outcomes or 'educational gains', will substantially reduce the complexity and burden of submission for providers, while also limiting any advantage that providers assessed later in the cycle might get from publication of the first cohort of TEF outcomes and submissions.
273. We do, however, maintain that it is fair to give those unfamiliar with the TEF more time to prepare for their first assessment, by scheduling most providers without a current TEF rating in later years of the first cycle, as proposed. In addition, we are mindful that the providers without a current TEF rating will be smaller or newer providers that are less likely to have

sufficient data to inform an assessment. For this reason we will take into account whether providers have sufficient data when scheduling their assessments and, if appropriate, defer the first assessment of some newer or smaller providers into a fourth year (i.e. into the first year of the second cycle), which could allow for sufficient data to become available. We also consider that assessing some providers in the fourth year will help even out the volume of assessments carried out each year and enhance the efficiency of the system.

274. In response to suggestions that it would be in the student interest to prioritise assessing currently unrated providers first, we would note that our approach involves assessing some providers without a current TEF rating in the first year, and those providers are likely to be a mix of providers we identify with increased risk, and some that are keen to participate as early as possible.
275. We note the requests for providers to be notified of their selection for assessment more than six months before their submission deadline. Because we have decided that in the first year we will assess all 89 providers with an existing aspect rating of Requires improvement or Bronze, these providers will already know they will be among the first to be assessed. We envisage that most of the other providers we assess in the first year are likely to be providers that wish to be assessed in the first year, and have sufficient data. We will revisit the timeline and aim to give as much notice as possible to other providers, although we do not consider that a 12-month notice period would be necessary or desirable in a system that is intended to be more dynamic and agile in responding to emerging risks.
276. As we note in paragraph 271, there are elements of the future TEF that will already be familiar to providers, and other elements that will reduce the burden of submission for both providers and students. We would also highlight that the sector is engaging with and becoming familiar with the shape and requirements of the future system through our current two-stage consultation process, and it is our expectation that, while not preparing specifically for a rerun of the previous TEF in 2027, providers will still have been engaging in work to improve the experience and outcomes of their students that will be relevant to the future scheme.
277. Some of the requests for more notice came from student representatives, and we recognise that preparing submissions can be time-consuming for students alongside their studies. We want student input to remain central to the evidence considered in the TEF, and we are considering how we can best support students to make submissions, for example through improved guidance and templates, to ensure the opportunity is as valuable as possible, both to the students themselves and to the TEF process.

Scheduling factors

278. We note the comments suggesting the scheduling of a provider's TEF assessment should consider the timing of other types of assessment by other bodies. Our view remains that it is reasonable to expect providers to meet multiple demands from regulatory and funding bodies in any given year. Nonetheless, in response to the feedback received, we are sympathetic to the pressures on small teams of staff at smaller providers and will consider building into our approach the option for such providers to request an extension to their TEF submission deadline if the timing of an Ofsted or other statutory inspection or assessment (such as a public, statutory or regulatory body assessment) or REF submission would fall close to the provider's TEF submission deadline, and these activities rely predominantly on the same

individual members of staff. We will consult on this in stage two. We would also note more generally that a number of our decisions will result in a less burdensome approach to the TEF.

279. We are undertaking further work to explore how we could achieve greater alignment between the TEF and APPs in a way that ensures the two processes are complementary while minimising burden. We discuss in more detail the potential for further integration of access and participation and the TEF under proposal 1.

Subsequent assessments

280. We have considered the range of points and suggestions made about our proposed approach to scheduling subsequent assessments, alongside the broad support for the approach among many respondents, and have decided to proceed as proposed with linking the timing of further assessments to the ratings awarded. As a result of our decision not to award 'overall' ratings in future, the timing would link to the provider's lowest, or only, aspect rating and our ongoing risk monitoring. In general, we maintain that this approach is appropriate in allowing for greater scrutiny where the risks to students are greater, creating an effective incentive for providers to improve and deliver high quality, and reducing burden for those delivering the highest levels of quality.

281. While some respondents commented on the potential burden and cost of more frequent assessment of providers rated Bronze or Requires improvement, we note others recognised that those providers may welcome the chance to improve on their rating sooner than if we assessed all providers equally often. We acknowledge there will be more burden associated with more frequent assessment, but consider increased scrutiny is appropriate for providers with lower levels of quality, to encourage more rapid improvement. On balance, we consider a standard three-year reassessment interval to be appropriate for Bronze rated providers because it will allow them to improve on their rating in a timely way while also allowing sufficient time for them to make improvements.

282. In response to respondents' comments on the time lag associated with the outcomes data, we are making modifications to our approach to assessing student outcomes, which will allow for consideration of a provider's own evidence about actions it has taken to improve outcomes, if it can demonstrate those actions are having a positive impact. We are also considering – and may consult in stage two about – weighting the most recent years of data more heavily in the assessment, which would help mitigate the effect of lagged data. We discuss the modifications to our approach to assessing student outcomes in more detail under proposal 7, and under proposal 15 we address comments about providers with lower ratings being subject to the TEF assessment fee more frequently.

283. Among responses there were a few suggestions a provider itself should be able to request an earlier reassessment if it thinks it can improve on its rating. However, there were also respondents who welcomed the perceived predictability and structure of the proposed approach. Given the potential complexity involved in scheduling the assessments and reassessments of all registered providers – and the need for capacity within the system to accommodate earlier assessments based on increased risk – in general we do not think it would be practical to permit reassessments on request, and we also consider this could undermine the incentives built into the system. We consider it appropriate to proceed with a more case-by-case approach to reassessing providers rated Requires improvement, as we

would want to ensure the particular concerns about compliance with minimum requirements are investigated if appropriate and effectively addressed in a timely way.

284. We note the comments suggesting the use of targeted, rather than full, reassessments for providers rated Bronze. However, we are giving further consideration to whether targeted reassessments in general are appropriate. We will consult further in stage two on the approach we take following a Requires improvement outcome.

Proposal 12: Risk monitoring

285. We proposed to introduce a risk monitoring tool that sets out the factors associated with increased risks to quality.

Consultation questions

Question 12

Do you have any comments or evidence about the factors associated with risks to quality that might be included in the draft risk monitoring tool at Annex I [of the consultation document]?

Decision

286. As proposed, we will introduce a risk monitoring tool that sets out the factors associated with increased risks to quality.

287. We will take forward the following elements of the proposal:

- a. We will revise and publish the monitoring tool.
- b. We will keep it updated as the context of the sector and our understanding of risk factors evolves.

288. We will make use of the factors and indicators set out in the monitoring tool to monitor risks in between TEF assessments; and we will consider risks alongside a provider's TEF rating.

Key themes

289. Most respondents supported the proposal in principle. Respondents who expressed support agreed that a risk-based monitoring tool could support identification of issues and help maintain confidence in quality across the sector. Other comments in support expressed support for a risk-based approach that could protect students.

290. A number of suggestions were made for other risk factors we could include, including comments that students could provide valuable insight in a timelier manner than data-led indicators, and that data from the NSS could be used as a risk factor.

291. A few respondents suggested that rapid or significant growth in student numbers should not in itself trigger enhanced scrutiny, as it could reflect strategic expansion or natural variation. There were suggestions that reductions in student numbers could present comparable risks and that scaling down should be added as a risk factor.

292. Some respondents mentioned that risk factors should not be considered in isolation. For example, they noted that there is no standardised or published staff-to-student ratio for the sector, and that ratios could be interpreted alongside other indicators to provide a more balanced assessment of risk, as changes may reflect planned expansion or changes in a provider's subject mix rather than a decline in quality. A few similar comments were made

about staffing contracts. A few other respondents noted that data for small and specialist providers in particular would need to be contextualised, to avoid misinterpretation of volatile datasets. We also received a few comments that lagged data may not be representative of the current risks at a provider. There were some linked comments asking for clarity on how the OfS intends to use the risk monitoring tool in its regulation.

Our response

293. We welcome the support we received for this proposal, and confirm we will introduce a risk monitoring tool identifying the factors associated with increased risks to quality, as proposed. We will use this tool in our regular ongoing monitoring of quality.
294. In response to feedback, we have made some amendments to the risk factors we have included in the tool, and will continue to keep the factors under review. Key changes include:
- a. **Student numbers:** we have broadened this factor to include significant reductions in student numbers as well as growth, as feedback suggested that significant reductions might also represent a risk to quality.
 - b. **Student:staff ratios:** we have amended the wording to clarify that we expect to focus on extreme outliers or changes in these ratios. We have also clarified that we will consider very high or increasing use of atypical academic staff.
 - c. **Trends in data:** We have specified our intention to consider trends in the data as well as absolute data points where this is appropriate. For example, a rapid deterioration in student continuation could indicate risk even where absolute values remain above numerical thresholds.
 - d. **Student voice:** We have added a risk factor relating to very low, or rapidly declining, NSS scores. We agree with the responses received that student insight can provide an early indication of emerging issues at a provider. We will also continue to consider wider student intelligence, such as notifications from students and information on student complaints.
295. We recognise concerns about interpreting risk factors in isolation, including in relation to small datasets, and noted the requests for further clarity on the use of the tool. We can confirm that we would not normally form a view about risks to quality based on a single factor. Instead we would look at a range of factors, intelligence and data trends to form a balanced view about emerging risks to quality. We have noted within the risk factors that there are some combinations of factors or trends in the data that, taken together, we would be more likely to consider as being of concern.
296. In response to the comments on the issues with lagged data, we can confirm we will use the most up-to-date data as far as possible, so that our monitoring is focused on current or emerging indicators of risk rather than lagged data demonstrating historical performance. The risk monitoring tool is intended to enable us and providers to address emerging concerns as soon as possible.
297. We have noted the requests for greater clarity on the how the tool will be used and updated, and we will set out further detail when we publish the updated version of the tool.

298. We will publish the risk factors we are including in the tool to ensure transparency about the data we will consider and enable providers to undertake their own monitoring. While some of the data referred to in the risk factors is already published, we do not currently intend to publish combined, provider-level data for each of the factors or the outcomes of our consideration of risk factors.

Proposal 13: Incentives and interventions

299. We proposed to introduce a strengthened set of incentives and interventions that vary according to the level of quality and risk, to drive quality improvement across the sector.

Consultation questions

Question 13

Do you have any comments about the proposed set of incentives and interventions associated with TEF ratings? You could include comments on:

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

Decision

300. Broadly as proposed, we will introduce a strengthened set of incentives and interventions that vary according to the level of quality and risk, to drive quality improvement across the sector.

301. As proposed, we will:

- a. Vary the length of a provider's TEF award according to its lowest, or only, aspect rating (as set out in the decisions on proposal 11).
- b. Consult on proposals for linking Silver and Gold TEF ratings with eligibility for certain funding streams, for example world-leading specialist provider funding. This will be consulted on as part of the forthcoming review of our strategic priorities grant funding due later this year.
- c. Limit growth in student numbers at providers with a Requires improvement aspect rating. We will also apply student recruitment limits to providers with a Bronze aspect rating, but will consult further in stage two on the extent to which these limits would be applied 'automatically' or more flexibly to Bronze ratings. We will also consult further on the mechanism for implementing student recruitment limits based on TEF ratings.
- d. Make providers with a Requires improvement aspect rating ineligible to apply for or extend DAPs. We also intend to proceed with making a link between Bronze ratings and eligibility for DAPs, and will consult on this link in stage two. We will also consult on

changes to DAPs in future and as part of that will also consider how TEF ratings could affect providers that already hold DAPs.

- e. Carry out several quality investigations each year. Where this results in a finding of a breach or an increased risk of a future breach of a B condition, we would consider what intervention would be appropriate, and would consider amending the provider's TEF rating.

302. We will change the following elements of the proposal:

- a. The approach to linking TEF ratings to decisions about breaches of the B conditions. We had proposed to consider whether providers rated as either Bronze or Requires improvement were in breach of or at increased risk of breaching the B conditions. Instead, for the first cycle of TEF we will normally only consider a Requires improvement rating to indicate an increased risk of a future breach.
- b. The proposed transition period after the proposed revisions to condition B3 come into effect. We will simplify this by considering actions already taken to improve outcomes as part of the integrated TEF assessment. Where a provider is rated Requires improvement for student outcomes, we will not consider future actions as we had proposed. Instead, for the first cycle of TEF assessments, we would normally only find an increased risk of a future breach of condition B3.

Key themes

General considerations across incentives and interventions

303. In terms of general views about the proposed incentives and interventions, some respondents supported at least one element of the proposed incentives and interventions. Some supported the proposal to link incentives and interventions to TEF ratings. They agreed on the basis that high quality providers should be able to maximise recruitment and benefit from reduced regulatory scrutiny, and that oversight should be focused more heavily on providers with lower ratings. However, for most respondents there was at least one element of the proposed incentives and interventions they did not support. Applying restrictions to Bronze rated providers was seen by many as disproportionate or unfair, given that these providers would be meeting the requirements of the B conditions. Respondents felt this approach risked creating a two-tier system, where providers with fewer resources, despite meeting expectations, would be placed at a disadvantage.

304. Many raised concerns about restricting growth in student numbers; these points are covered in paragraphs 306 to 308. Some raised concerns with linking DAPs eligibility to TEF ratings; these points are covered in paragraph 309.

305. A few respondents requested clearer differentiation between Bronze and Requires improvement incentives and interventions. They considered that treating Bronze rated providers similarly to those requiring improvement could risk conflating minimum quality with underperformance. A few suggested that interventions should be balanced with targeted support for providers needing improvement. Some suggested that ratings should not trigger automatic interventions and suggested a more nuanced approach that would take context into account.

Financial incentives and interventions

306. Respondents highlighted the potential implications of our proposed financial incentives and interventions. This was often commented on alongside views on the potential link between tuition fees and TEF ratings, as outlined in the DfE's Post-16 Education and Skills White Paper (which was published while our consultation was live). Restricted funding or growth for lower-rated providers was seen as likely to reduce their ability to invest in quality enhancement and increase financial pressures on providers that are already financially stretched. Respondents considered that interventions such as capped student recruitment in combination with capped student fees could lead to a downward spiral that would undermine both educational quality and financial sustainability, or could potentially lead to market exit. On the other hand, a few respondents agreed that aligning student number growth with higher-rated providers could help increase the proportion of students studying in low-risk, high quality environments.
307. There was some concern that the interventions could unintentionally disadvantage providers that serve underrepresented groups, where outcomes may be shaped by structural or socioeconomic factors beyond the provider's control. Some expressed concern that smaller providers with limited resources could be disproportionately affected by financial restrictions. Concerns were also raised that limiting student recruitment could worsen cold spots in higher education provision, or negatively affect equality of opportunity in regions that are already underserved. A few respondents suggested that interventions should be sensitive to different provider contexts, particularly the challenges created by small cohort sizes, which respondents felt could lead to statistical volatility and data suppression. Without such consideration, respondents suggested that providers achieving strong outcomes for disadvantaged learners risked being unfairly constrained, potentially reducing rather than widening access to higher education.
308. Some responses commented on DfE's intention to link tuition fee limits to quality ratings. They felt this could increase financial pressures on providers or could lead students from lower socioeconomic backgrounds to choose institutions based on affordability rather than suitability, potentially worsening inequalities.

Regulatory incentives and interventions

309. A few respondents supported the link between eligibility for DAPs and TEF ratings, as it was seen to reinforce the expectation that such powers should be underpinned by clear evidence of sustained quality. However, some noted that TEF and DAPs assess distinct aspects of provision, or felt that the proposal favoured well resourced providers and could limit opportunities for students.
310. A few respondents opposed the linking of TEF ratings to decisions about breaches of conditions of registration as they considered the evidence base is not fully aligned or felt that low ratings should prompt targeted action plans rather than regulatory interventions. A few respondents said it was reasonable to make these links where ratings highlight serious quality concerns, or supported interventions only where providers do not meet minimum requirements. However, they felt that interventions should not be automatic and providers should have the opportunity to present contextual evidence and improvement plans before any regulatory consequences are applied.

Our response

General considerations across incentives and interventions

311. We note that most respondents did not support at least one element of the proposed set of incentives and interventions linked with TEF ratings. Given that we are deliberately integrating compliance and excellence into a single quality system, we consider it appropriate to strengthen the incentives and interventions linked to the assessment outcomes. We intend that the integrated quality system should do all of the following:

- reward providers delivering the highest quality
- strongly incentivise those just meeting minimum requirements to improve and deliver high quality
- trigger further intervention where quality falls below minimum expectations.

312. We have considered views that applying stronger incentives or restrictions to providers with a Bronze rating could be unfair or disproportionate, since Bronze rated providers would be meeting the minimum quality requirements. One aim of the future quality system is to drive continuous improvement at all providers, and our strategic ambition is that every student should have the opportunity to benefit from high quality education that meets their needs and equips them to succeed. Because we are deliberately defining Bronze as meeting minimum quality requirements rather than high quality, it remains our view that it will serve students' interests to strongly incentivise Bronze rated providers to improve and deliver consistently high quality.

313. Our evaluation of the 2023 TEF indicated that the reputational incentive to improve on its own had some impact in driving improvement, but that this was limited, and we consider that stronger incentives to improve above the level of Bronze are appropriate.¹³ We note that the incentives and restrictions proposed for Bronze ratings would not take benefits away from a provider, or reduce its student numbers. Rather, they may restrict access to gaining further benefits (such as DAPs) or limit growth, until the provider demonstrates high quality through its next TEF assessment. We consider this to be a proportionate way of serving the interest of students in accessing high quality education.

314. In response to concerns about creating a two-tier system, we consider it appropriate to reward and reduce regulatory scrutiny for the highest quality providers, and to increase scrutiny and strengthen incentives for providers that are not delivering the high level of quality that students expect. We consider this to be appropriate even where a provider is meeting minimum requirements, for the reasons set out in paragraphs 311 to 313.

315. We do, however, agree with the point raised that there should be clearer differentiation between the interventions for Bronze rated providers that are meeting minimum requirements and providers rated Requires improvement. In response, we will more clearly differentiate how these ratings link to decisions about potential breaches of conditions of registration, and the regulatory interventions that might follow from those decisions. This is discussed further in paragraph 328. We remain of the view that student recruitment limits should apply to

¹³ Available at OfS, [The Teaching Excellence Framework 2023: Evaluation report](#).

providers rated Bronze as well as Requires improvement for the reasons set out below in paragraphs 318 to 320, although we will consult further on the extent to which these limits would be applied automatically or more flexibly for providers with Bronze ratings.

316. We note views that incentives and interventions linked to TEF ratings should not be automatic and should take context into account. In the decisions on proposal 4 we set out that we will not award an overall rating in addition to the aspect ratings. In light of this change, we consider that incentives and interventions should be linked to the lower (or only) aspect rating. This has the same effect as the original proposal (whereby the incentives and interventions would be linked to the overall rating, which would be the same as the lower or only aspect rating). However, we are exploring the extent to which they should be applied automatically or more flexibly for providers with a Bronze rating, particularly where a provider is rated Bronze on one aspect and higher on the other. A more nuanced approach in some cases could allow us to take a more targeted approach that takes context into account. We will consult further on this approach in stage two.
317. In response to the suggestion that interventions should be balanced with targeted support for improvement, we consider that the system will support continuous improvement through annual publication of data, feedback from the assessment including recommendations on areas for improvement, and thematic analysis and reports.

Financial incentives and interventions

318. We acknowledge there are concerns about the financial impact of student recruitment limits, in combination with fee limits. In response to these concerns, we consider that:
- a. Allowing unrestricted growth at providers that are not delivering high quality would not be in the student interest. It could lead to increasing numbers of students who do not experience a high quality education, which runs counter to our ambition. We consider the student interest would be better served if those providers prioritised improving quality above increasing their student numbers.
 - b. We acknowledge that restricting growth may have a financial impact on a provider. However, our work on financial sustainability indicates risks associated with reliance on growth in student numbers to achieve financial sustainability.¹⁴ These include overly optimistic forecasting with significant risks that projected growth will not materialise, and continued volatility in student recruitment. This reliance potentially masks the need for more fundamental structural changes for some providers, and the need in some cases for new business models. We have seen an increasing number of providers take action to address their financial position, with much of that focused on income diversification and cost reductions, with less reliance on student number growth and a more realistic view of future financial conditions.
 - c. We note that the financial impact and risk of market exit arising specifically from a student recruitment limit would be mitigated because we would not reduce student numbers and we would allow for some growth within the limit. This would therefore

¹⁴ Available at OfS, [Financial sustainability of higher education providers in England: 2026](#).

allow for some growth in fee income from student recruitment. We will consult further in stage two about appropriate tolerances for growth.

- d. We intend that a limit on growth for providers rated Requires improvement or Bronze would provide a strong incentive for them to improve and deliver consistently high quality. We consider that in general it should be possible for a well managed provider to make changes that lead to improvement, without needing to significantly increase its student numbers. This might involve the provider focusing more on its strengths, and either improving or reducing its activity in weaker areas.
- e. We have considered concerns that restricting growth could reduce a provider's ability to invest in quality improvement, and have weighed this against the additional pressures on the staffing, resources and support that would be needed to ensure higher quality for larger numbers of students. We consider it doubtful that relying on growth would generate sufficient income to both meet these additional staffing, resource and support needs as well as invest in improvements for a larger student body. On the other hand, relying on growth would increase the risk that larger numbers of students may not receive a high quality experience.

319. Restricting growth in providers rated Bronze or Requires improvement would also reward those already delivering high quality through concentrating growth in those providers. Our view remains that the overall effect of this proposal would be to enable more students in future to experience high quality education, through a combination of driving up quality to this level and concentrating growth at providers that already offer consistently high quality. We have therefore decided to proceed with this proposal.

320. Although we consider it remains appropriate to restrict growth at providers with Bronze ratings, we are exploring whether this restriction should be applied flexibly rather than automatically in some cases, particularly for providers that have one Bronze and one higher rating. We will consult on this, and on tolerances for growth in stage two.

321. We acknowledge the points raised about linking TEF ratings to fee limits, in relation to financial pressure on institutions and choice for students. We will consider the impact of DfE's plans to link fee uplifts to TEF ratings once further detail becomes available.

322. We will consult further on linking TEF ratings to eligibility for funding streams, for example world-leading specialist provider funding, as another mechanism to incentivise improvement. This will be consulted on as part of the forthcoming review of our strategic priorities grant funding due later in 2026.

323. We have considered the points raised about how the incentives might have differential effects on certain types of providers, such as providers that serve underrepresented student groups, small providers or those in 'cold spot' areas. We note that the assessments will involve contextualisation and benchmarking, to take account of the providers' particular student characteristics and its operational context. Our view is that all types of providers should be rewarded where they deliver high quality for their students, and incentivised to improve where they do not.

324. In response to the concern that recruitment limits could be challenging for small providers to remain within, because of volatility from year to year, we will consult in stage two about how

the 'tolerance' could mitigate this (for example by allowing growth by a certain number as well as percentage of students).

Regulatory incentives and interventions

325. We note there were mixed views about linking eligibility for new awards of DAPs or extensions to existing DAPs to TEF ratings. Our view remains that it would be appropriate in principle for there to be a high quality bar for providers to be able to apply for DAPs. We also consider that linking TEF ratings to eligibility to apply for new or extended DAPs would reduce the burden on providers of going through DAPs assessments they would be unlikely to succeed in, and it would ensure more efficient use of OfS resources. For these reasons we have decided that providers with a Requires improvement rating will be ineligible to apply for new or extended DAPs. However, we will develop our thinking further on the link between Bronze ratings and eligibility to apply for new or extended DAPs, and we will consult further on this in stage two.
326. We had proposed that Bronze rated providers would potentially be ineligible to apply for or extend DAPs, depending on whether an increased risk of a future breach of an ongoing condition of registration is identified, and a specific condition applied. As set out in paragraph 328, we have simplified the link between TEF ratings and decisions about potential breaches or increased risk of future breaches, so we will develop and consult on an alternative mechanism.
327. As stated in the proposals we plan to consult on our approach to DAPs in future. As part of that consultation we will consider the implications of a Requires improvement or Bronze rating for providers that already hold DAPs. We will also consider how to reduce burden further by streamlining the DAPs assessment by relying on elements of the TEF assessment where possible.
328. We agree with the suggestion that there should be a clearer distinction between the consequences of Requires improvement and Bronze ratings, and in particular that we should only consider potential breaches of conditions where there is evidence that a provider is not meeting the minimum requirements. Rather than considering whether both Bronze and Requires improvement providers are in breach or at increased risk of breaching the relevant B conditions (as proposed), we will simplify the approach and create clearer differentiation. Instead, we will normally only consider a Requires improvement rating to indicate an increased risk of a future breach of the B conditions relevant to those aspects. We will consult in stage two about the details of this.
329. In response to feedback on proposal 6, we are modifying the approach to considering context where student outcomes are below the minimum threshold (as set out under proposal 6). As a consequence of this change, we will simplify the proposed arrangements for transitioning to the revised condition B3.
330. We had proposed that for a transitional period, we would, after the TEF assessment, consider actions taken or future actions planned by the provider as a potential justification for outcomes being below threshold, when considering whether there has been a breach or an increased risk of a future breach of condition B3. We will simplify this by considering actions already taken to improve outcomes as part of the integrated TEF assessment. Where a provider is rated Requires improvement for student outcomes, we will not then consider

future actions, and instead for the transitional period we would normally only find an increased risk of a future breach of condition B3. If the outcomes below threshold are not justified and the provider is rated Requires improvement for student outcomes, we would consider that to be sufficient evidence of an increased risk of a future breach of the condition, without the need to consider future actions.

331. For the transitional period, we consider it would be clearer to providers, less burdensome and more efficient for the OfS to not consider the credibility of future actions as well as actions already taken, but only find an increased risk of a future breach rather than a breach of the condition.
332. We have decided that a Bronze TEF rating would not normally indicate an increased risk of a future breach. However, if TEF findings, our quality risk monitoring or other regulatory information point to specific concerns at a provider with any TEF rating, we may consider whether further information gathering or action is needed, in line with our published guidance on monitoring and intervention.¹⁵ This might involve a targeted investigation or bringing forward the provider's next TEF assessment.

¹⁵ See OfS, [Regulatory advice 15: Monitoring and intervention](#).

Proposal 14: Published outputs

333. We proposed to continue publishing the outputs and outcomes of our quality assessments, aimed at providing clear information to students about the level of quality delivered by different providers, and incentivising and supporting providers' efforts to enhance quality.

Consultation questions

Question 14a

What are your views on the range of quality assessment outputs and outcomes we propose to publish?

Question 14b

Do you have any comments on how we could improve the usefulness of published information for providers and students? You could include comments on areas such as:

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

Decision

334. As proposed, we will continue publishing the outputs and outcomes of our quality assessments, aimed at providing clear information to students about the level of quality delivered by different providers, and incentivising and supporting providers' efforts to enhance quality.

335. We will take forward the following elements of the proposal:

- a. We will make some amendments to Regulatory advice 21 to reflect the changes to the information we would normally expect to publish.
- b. We will expect each provider to display its own outcome (i.e. its aspect ratings).
- c. TEF assessment reports for providers will be more succinct than in the 2023 TEF, and will be published in full.

336. We will consult further in stage two about the approach to communicating outcomes to students, including how we present the absence of a rating neutrally, and expectations on providers to publish their outcomes.

Key themes

Clarity and usefulness of outputs

337. Most respondents supported the proposal to continue publishing the outputs and outcomes of quality assessments. Respondents noted that transparency supports student decision making and aligns with international practice. There was some emphasis on the importance of structuring published outputs to improve accessibility for different audiences, particularly students and the wider public. Providing concise summaries alongside more detailed material was seen as an effective way of achieving this.
338. Some respondents wanted to see published explanations of data limitations, time lags and the role of qualitative evidence, particularly for small or specialist providers where data can be more volatile. Contextualisation was seen as particularly important where providers do not receive a student outcomes rating. Other suggestions included improvements to data accessibility, and greater clarity about how other datasets integrate with TEF information.

Sharing learning and good practice

339. Many respondents supported the OfS having a role in sharing good practice, recognising that this would further the developmental aims of TEF, although a few queried whether this falls within the OfS's remit. Outputs in the form of thematic summaries, case studies or peer networking opportunities, such as webinars tailored by provider type, were seen as particularly useful.

Our response

Clarity and usefulness of outputs

340. We acknowledge the broad support for publishing the outputs and outcomes of our assessments and we note suggestions made by respondents in relation to improving the clarity and usefulness of these publications. We have decided to continue publishing the outputs and outcomes of our quality assessments and we are carrying out research with students to test approaches and ensure the information we publish is useful to them. We will consider the results of the research alongside the comments made in response to this proposal in developing our publication approach. In the next stage we will consult further about the detailed approach to publication and how we communicate outcomes to students, and the expectations on providers to publish their own outcomes.

Sharing learning and good practice

341. We recognise sharing good practice to support providers to make quality improvements would benefit students and therefore consider it is appropriate for us to have a role in this. We will further explore methods of sharing best practice and will collaborate with the relevant stakeholders to explore the most effective ways of doing this. In the next stage of the consultation we will provide further information about how we plan to share learning and good practice.

Proposal 15: Implementation timeline

342. We proposed to consult further during 2026-27 and carry out the first cohort of future TEF assessments in 2027-28.

Consultation questions

Question 15

Do you have any comments on the proposed implementation timeline?

Question 16

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

Question 17

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

Decision

343. As proposed, we will consult further during 2026-27 and carry out the first cohort of future TEF assessments in 2027-28.

344. We will take forward the following elements of the proposal:

- a. We will carry out the second stage consultation in autumn 2026.
- b. That consultation will include more information on timelines, leading to the first cohort of assessments in 2027-28.

345. Having sought views on options for the transition to the future scheme, we will continue to publish TEF 2023 ratings that remain valid alongside ratings from the new scheme, with clear labelling and explanation.

346. Decisions regarding the extension of the TEF to include PGT students, and the development of our approach to assessing modular provision, are set out under proposal 3.

347. We will consult in stage two about:

- updated assessment costs for providers and the extent to which they should be added to the annual OfS registration fee or charged as separate assessment fees
- conducting sample-based visits to test ratings from the scheme.

Key themes

348. We cover points raised on our plans to include PGT students from the second TEF assessment cycle onwards, and on our approach to assessing modular provision, under proposal 3.

Timeline

349. While some respondents supported the proposed timeline and phased approach to implementation, many respondents made comments suggesting the timeline appears tight, including in relation to providers having enough time to prepare. Some comments referred to our proposal to notify providers of their selection for assessment six months before their submission deadline, with respondents suggesting the notice period should be longer, and some comments referred to the potential burden of a provider's TEF assessment coinciding with other institutional activity or regulatory cycles, such as REF submissions or Ofsted assessments. Similar issues were raised in response to proposal 11.

350. Along with the suggestions for a longer notice period, there were some comments requesting the publication of guidance six months in advance.

Transition to the new scheme

351. In the consultation we set out two possible approaches to communicating TEF outcomes during the transitional period, in which some providers would hold an award from the previous TEF scheme while others would have ratings from the new scheme.

352. Of the two options presented, respondents were more supportive of the option of continuing to publish TEF 2023 ratings alongside ratings from the new scheme. Comments suggested this would prevent gaps in publicly available information and could be a fairer approach for providers that will not be assessed for a new TEF rating until later years of the first cycle. It was thought by a few that the absence of a current TEF rating could be viewed negatively.

353. Some respondents, however, thought that the alternative option of 'archiving' the TEF 2023 outcomes would be the less confusing, fairer option, as all publicly displayed ratings would have the same meaning and would have been determined through the same assessment process and criteria. A few respondents noted the TEF 2023 ratings will become increasingly out of date.

354. Across responses there were suggestions that, whichever option is chosen, the transition from the current to the new TEF will require clear communication and explanatory materials to minimise the scope for confusion or misinterpretation, particularly in relation to the proposed changes to the meaning of Bronze ratings in future. Some respondents suggested using distinct logos for the old and new ratings.

Assessment costs

355. Some respondents sought clarity on how the OfS calculated the estimated fee for TEF assessments, and why this would be needed in addition to OfS registration fees. Respondents raised the potential impact of the fee on the budgets of smaller providers, or providers that would be reassessed more frequently under the future scheme, in the context of the financial challenges the sector is facing more generally. Among responses, there were comments on the potential impacts of increasing the cost of regulation, such as

disincentivising continued provision of higher education by some providers. There were suggestions of basing the fee on provider size, or that the costs be covered by the annual registration fee.

Our response

Timeline

356. Though there was some support for the proposed timeline or phased implementation approach, we note comments that the timeline appears tight. We have decided to proceed with our broad timeline as proposed because we consider it in the student interest to have the new system in place as soon as possible, and we do not consider there would be sufficient reason to delay the start of assessments.

357. In respect of providers having enough time to prepare, we respond to points about the proposed notice period for first assessments, the scheduling of TEF and other regulatory assessments, and other points relevant to the rolling cycle, under proposal 11. More generally we note that our proposals and the modifications we set out in this document will minimise the overall burden of the exercise for both the sector and the OfS.

358. We will publish more information on timelines in the next stage of consultation.

Transition to the new scheme

359. We note that, while there were differing views among respondents on how best to communicate outcomes from the previous and new TEF schemes during the transitional period, more respondents were supportive of continuing to publish TEF 2023 ratings that remain valid alongside ratings from the new scheme. We agree on balance that, with the move to a rolling cycle, the fairest approach would be to continue to publish a provider's TEF 2023 rating until it has been assessed under the new scheme. Under proposal 11 we clarify that the benefits associated with Gold and Silver ratings will apply to the 2023 ratings until they are replaced, so we also consider that continued publication would be more transparent. We recognise that TEF 2023 outcomes will become increasingly out of date, but consider the information could still be of interest to students and the public in the absence of a more recent rating. In addition, we would note that the future system will allow the OfS to assess a provider earlier than planned if we identify increased risks to quality.

360. We also recognise that ratings from the TEF 2023 and the future TEF will to some extent have different meanings, and in future we will not award an overall rating. We agree with respondents on the importance of clear communication around the distinctions between the two sets of ratings, to avoid any misinterpretation, and in the stage two consultation we will provide further information about our approach to publication and how we communicate TEF outcomes to students. As noted in paragraph 112, we have commissioned research with prospective students to inform our approach. As part of this we will explore how we can ensure TEF ratings and their meanings are clearly understood and, as suggested by some respondents, the extent to which having distinct logos for ratings from the new scheme could help provide clarity.

Assessment costs

361. We explained in the consultation that we would in future need to recover the costs of TEF assessments from providers, because we do not expect the direct funding of the TEF by the DfE to continue. The figure we provided in the consultation was an estimated average, and we noted that we were aiming to limit the costs of assessment by streamlining our approach where possible.
362. We recognise that, alongside any assessment fees, there are costs to providers in preparing submissions, and we consider that the more data-led approach to assessing student outcomes, and the modifications to our approach to assessing providers that do not have sufficient data (see proposal 9), will considerably reduce the burden of submission compared with the previous TEF. We are also considering what more we might do to support the submission process for smaller providers, for example through tailored guidance and structured templates.
363. In the stage two consultation we will provide updated assessment costs for providers, taking into account the changes set out in this document, which will streamline our approach. We will also consult on the extent to which the costs should be added to the OfS registration fee or charged as separate assessment fees. We note that some responses so far indicate a preference for recovering costs through the registration fee, as this would in effect be banded by provider size, and it would be collected annually rather than linked to the frequency of assessments.
364. While we did not receive a lot of feedback on our proposal to carry out a small number of sample-based visits to providers, we plan to proceed with developing proposals for how these could add value to the scheme, and what the associated costs would be, for consultation in stage two.

Other questions

365. We asked the following general questions to seek feedback about the clarity of the proposals and whether there were ways in which the policy intention of the proposed new system could be delivered more efficiently or effectively.

Consultation questions

Question 18

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

Question 19

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

366. While we received a variety of responses in this section, these were typically duplications of comments made in responses to other proposals. We have ensured these comments were considered in the analysis of the main proposal they relate to.

Annex A: Matters to which we have had regard in taking decisions on the stage one consultation

The OfS's general duties

1. In confirming decisions from the stage one consultation, the OfS has had regard to its general duties as set out in Section 2 of HERA. These are:
 - a. the need to protect the institutional autonomy of English higher education providers,
 - aa. the need to promote the importance of freedom of speech within the law in the provision of higher education by English higher education providers,
 - ab. the need to protect the academic freedom of academic staff at English higher education providers,
 - b. the need to promote quality, and greater choice and opportunities for students, in the provision of higher education by English higher education providers,
 - c. the need to encourage competition between English higher education providers in connection with the provision of higher education where that competition is in the interests of students and employers, while also having regard to the benefits for students and employers resulting from collaboration between such providers,
 - d. the need to promote value for money in the provision of higher education by English higher education providers,
 - e. the need to promote equality of opportunity in connection with access to and participation in higher education provided by English higher education providers,
 - f. the need to use the OfS's resources in an efficient, effective and economic way, and
 - g. so far as relevant, the principles of best regulatory practice, including the principles that regulatory activities should be:
 - i. Transparent, accountable, proportionate and consistent.
 - ii. Targeted only at cases in which action is needed.
2. In making our decisions, we have given particular weight to (b), (e), (f) and (g). A summary of our reasoning is set out below in paragraphs 3 to 16.
3. Our general duty to have regard to the need to promote quality, and greater choice and opportunities for students, underpins the decisions we have made. The decisions we have taken following the stage one consultation, and the next steps we will take in the development of the future quality system through the stage two consultation, are intended to enable us to better achieve our aims for the quality system to:
 - a. Ensure that students benefit from high quality and continuously improving provision.
 - b. Provide clear information about the level of quality delivered by different providers to help inform student choice.
 - c. Support and incentivise providers to deliver the highest levels of quality for their students, and ensure improvements are made where quality falls short.

4. In general we have retained proposals that we consider will deliver our primary aim of driving improvement across the sector, for the benefit of all students, wherever they are studying. We have made changes mainly where we consider they will simplify the approach or minimise cost or burden, without reducing our ambition for the system.
5. We consider that our decision to extend assessments to all registered providers and, in time, to other areas of provision, will increase the reach of our activity to promote quality so that more students benefit from high quality provision. We also consider that our decision to apply strengthened incentives and interventions will help deliver our aim of pushing all providers to deliver high quality materially above our minimum requirements, and for growth in student recruitment to take place at high quality providers. Additionally, we think the way in which we have decided to deliver assessments will help protect students from poor or rapidly declining quality through regular assessment of all providers alongside active monitoring of risk indicators, which will allow us to prioritise providers for assessment where we have concerns about emergent risks to quality.
6. We have had regard to the need to support greater choice in terms of a diverse range of providers, courses and means of delivery, through taking forward an assessment approach that recognises the diversity of provision in the sector and the need for incentives to apply across all of this. Our assessment approach seeks not only to avoid disincentivising delivery of some types of provision or courses, but to achieve improvements in quality across all types of provision, thereby improving the range of high quality choices that are available to students.
7. We have carefully considered our general duty to have regard to the need to promote equality of opportunity and consider our decisions will support this through:
 - a. Explicit consideration of the experience and outcomes of different groups of students, through the continued consideration of 'split' indicators for groupings such as disability and combined measures of disadvantage.
 - b. Ratings criteria, which require that consistent levels of quality are delivered for all student groups and that the provider effectively tailors its academic support to its particular mix of students.
8. Providers will need to demonstrate that they are delivering among the best experience and outcomes in the sector for all their students to gain the highest rating and the associated incentives, and we consider this will therefore incentivise providers to improve the experience and outcomes of all student groups. We have also set out our intention to develop further proposals for greater alignment between the TEF and APPs, which we consider will drive a more coherent and effective approach in both the TEF and APPs.
9. We have sought to take decisions on our future assessment approach that balance consideration of our duty to have regard to the need to use the OfS's resources in an efficient, effective and economic way with:
 - a. Our duty to promote quality, which is supported by the extension of assessments to all registered providers.
 - b. Recognition of the diversity of the sector and institutional autonomy, and the need to vary our assessment approach if we are to effectively assess all providers.

10. We think our decisions represent an efficient way to assess all providers effectively, while reducing burden and cost on the sector, and on the OfS, wherever possible. We have moved away from an initial idea of all assessments involving visits to all providers, while retaining scope for targeted action where we identify concerns and collection of alternative evidence in specific circumstances. We have moved to a data-led model wherever possible, relying on data where this is available and statistically reliable, only rating individual aspects where this is the case. We have decided against implementing proposals that would require burdensome and more costly alternative mechanisms of collecting evidence, for providers and for the OfS. We have taken forward this principle that we should reduce burden, cost and complexity where it is appropriate in the decisions. For example, we expect that our decisions to simplify and integrate the assessment of the minimum required student outcomes, and rely more on available data to assess student outcomes, will reduce the effort needed to monitor student outcomes and produce provider and student submissions. We also expect our decision to not award an overall rating will reduce burden on our academic assessors.
11. In taking decisions on the next steps for the future system, we have considered the principles of best regulatory practice, including the principles that regulatory activities should be:
 - transparent, accountable, proportionate and consistent
 - targeted only at cases in which action is needed.
12. This has been particularly relevant when considering the extent to which we should integrate our assessment activities. Our decisions set out what we consider to be an appropriately risk-based and proportionate approach, which combines desk-based assessments of all providers with the possibility of further engagement, investigation or intervention where concerns or increased risks to quality are identified. We have also decided to make more transparent the way we monitor risks to quality through the creation of a risk monitoring tool.
13. Our consideration of the duty to have regard for the need to protect institutional autonomy is reflected in our decisions to take an outcomes-based approach to assessment, focusing on the quality of what students experience, and the outcomes they achieve, without any prescriptiveness about how the provider achieves these outcomes. The approach also takes account of provider context, and considers how well each provider delivers for its particular mix of students and courses.
14. We have also considered the duty to have regard to the need to encourage competition between providers where this is in the interests of students. This is reflected in the decision to retain differentiated ratings for each aspect, which not only help to make clear to prospective students the level of quality offered by each provider but, through their publication, also incentivise providers to make quality improvements because of the reputational and competitive advantage a high TEF rating is seen to bring. It is also reflected in our decision that providers receiving the lower ratings should face stronger interventions in the form of recruitment limits.
15. We have also had regard to our general duty relating to value for money, and consider that improvements in the quality of the student experience and outcomes across the higher education sector will result in better value for money for students and taxpayers. We have

also decided that a more rounded set of employment and further study indicators should be used in the assessment. This will enable a wider set of benefits that students gain from their education to be recognised and rewarded.

16. We have also had regard to our general duties to promote freedom of speech and secure academic freedom, but consider these to be less pertinent to our proposals.

The public sector equality duty

17. We have had regard to Schedule 1, paragraph 21 of HERA, which extends the Equality Act 2010, and therefore the public sector equality duty, to the OfS. This requires the OfS to have due regard to eliminating unlawful discrimination, foster good relations between different groups and take steps to advance equality of opportunity.
18. We set out in our initial proposals our aim to ensure that all students, whatever their background and characteristics, receive a high quality student experience and achieve positive outcomes, and we believe the decisions we have taken continue to work towards this aim. By designing the ratings criteria in a way that requires providers to demonstrate consistently high levels of quality for all student groups to gain the highest ratings, we hope to incentivise improvements for groups that typically experience less good experience and outcomes. Expanding the coverage of the TEF in terms of providers and levels of study means that the incentives it creates could result in benefits for a wider range of students, including those from underrepresented groups or those with less good experience and outcomes.
19. Through this consultation we sought views on any unintended consequences of our proposals, for example for particular types of provider or student groups. We also sought views about the potential impact of our proposals on individuals on the basis of their protected characteristics. We received some responses to this consultation on the potential impact of our proposals on different groups, primarily linked to the perception that providers that support higher numbers of disadvantaged students may achieve poorer results in their student outcomes, and subsequently receive lower ratings and the associated interventions. We have set out our consideration of these responses in section 1 of the main decision document.

Guidance issued by the Secretary of State

20. We have had regard to guidance issued to the OfS by the Secretary of State under Section 2(3) of HERA.
21. We will have regard to any further guidance from the Secretary of State once issued.

The Regulators' Code

22. We have had regard to the Regulators' Code and consider Section 1 and Section 3 to be particularly relevant to our decisions:
 - a. Section 1, which says that regulators should carry out their activities in a way that supports those they regulate to comply and grow, including using proportionate approaches and avoiding unnecessary burdens.

- b. Section 3, which discusses the need to base regulatory activities on risk.
23. Our decisions on the next steps of the future system represent a risk-based approach, with regulatory activity increased where risk is greatest, and we have sought to design future TEF assessments in a way that streamlines what is required of providers while maintaining the TEF as an effective mechanism to ensure and improve quality across the sector.



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