

GuildHE response to:

Teaching Excellence Framework

17th March 2022

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Consultation Questions

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

We are grateful for the clarity this consultation has provided to the sector on the interrelation between the TEF and the wider regulatory/Quality functions of the OfS. However, we feel that there are areas about the delivery of the proposals which are not clear.

Firstly it was not clear from reading the documentation that a provider receiving a 'requires improvement' rating would not in itself trigger an OfS investigation. Whilst we understand the rationale for having a 4th tier of award for providers who meet the baseline requirement but have no discernible 'features of good practice/performance above the baseline' we don't think the OfS has made clear in the documentation what the ramifications are for a 'requires improvement' judgement - indeed whether such a provider should in principle be more strongly encouraged to deliver a student experience above the prescribed baseline at all. We think the OfS could be far clearer on the interrelationship between a RI judgement and the OfS wider regulatory enforcement functions.

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

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GuildHE, Woburn House, 20 Tavistock Square, London, WC1H 9HB | 020 3393 6132 |
info@guildhe.ac.uk | Charity Number: 1012218

With a large number of HEIs not necessarily having enough data for their split metrics to be published in all areas, we have not received clarity through this consultation as to how the panel would form conclusions where data wasn't available - would the narrative statement have more weight or would the panel ignore the gaps in data altogether? Furthermore, where the data has a very low confidence interval (below 95%) how would the panel take this into account without unduly penalising smaller providers who by their very nature will have more volatile data?

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

Whilst we appreciate the clarity provided on the main purpose of TEF (based on encouraging enhancement) we still see several occasions where the implementation has sided more on a public information/student choice narrative. These may not always be mutually exclusive but it seems to have driven a number of proposals that do not align with the primary priority of enhancement. Examples of this include the complex discussion of the wording of the fourth rating requires improvement. In an enhancement context, this would be sort of ok (but not ideal), but when published as part of discoverUNI/UCAS it significantly changes the meaning of the rating to one that is negative and gives the sense that the provider has not met the very high threshold standards. Another example is the proposal to publish all of the TEF data on an annual basis. This will not necessarily have the 'continual enhancement' effect the OfS suggests and instead will put the data out there to the public, media and politicians to continually scrutinise (and berate the sector) as a whole - without the additional contextual narrative document the provider will produce for the formal exercise. This proposal goes against the notion that the TEF is an equal balance between the raw/benchmarked data and the wider provider context and will not encourage continual enhancement as there is so much data attached to the exercise is it unlikely that a prospective student will themselves look at the data to see if the provider is still 'gold standard. Instead, they will rely on external league tables who often emphasise different things.

Furthermore, we think the sheer number of data points to be published will overwhelm the sector and the public. We do believe that some data (mainly for the purposes of B3 regulation) should be published annually and crucially benchmarked using the methodology proposed here but the sheer number of proposed data points to be published risks providers and the OfS open to intense political and media scrutiny which may not uphold the principles of robust and reasoned statistical analysis - and especially as the data is only one part of the overall picture in a risk-based system. In our B3 consultation we suggest that the following data points are the ones published on an annual basis:

We propose that the OfS only publicly publishes the data for the three main Indicators (continuation, completion and progression) and that these are only split (publicly) by mode of study (full-time, part-time and apprenticeship). This would provide 9 Key Performance Indicators that would be publicly available. Additionally, the OfS may decide in a particular year to look at a particular split metric (including based on level of study, protected characteristic or subject) but that these would be limited to a maximum of three splits in any year and these could be made publicly available. This set of (a maximum of) 12 Indicators would provide a more manageable set of data to focus public attention on. The OfS could still consider the full proposed dataset and would provide this to institutions for their own

internal quality processes. and for TEF purposes, but we think it is important as an official statistics provider for the OfS to ensure that data is not misused by commentators who may discount the statistical significance of the full dataset.

Finally, we do not believe the proposed timeline for implementation of the next TEF exercise is realistic - nor meets the overall policy goal. Rushing the exercise risks many adverse effects, especially for smaller providers who do not have significant resources to take on the task of providing a well-evidenced and thoughtful TEF narrative submission whilst also undertaking their day job and responding to other OfS and Government consultations. Whilst we understand why the OfS may want to move quickly on this - the proposed timeline means that smaller providers will be significantly disadvantaged and many students' unions and/or student representatives will not be able to have meaningful engagement. Rushing to get the outcomes published in May will not materially impact student choice for the next academic year as the majority of students will have already made their choices and confirmed their places by the end of May. We would therefore like to see at the very least the deadline for submission be extended to the end of December to ensure students especially have time to consult with their peers to produce a well-evidenced student submission, and providers have more time to bring in additional contextual information to enhance their narrative document. However, in an ideal world, we would like providers and students to have 4 months between the publication of the final TEF technical document (and supporting datasets) and the submission of their institutional and student submissions. Pre-pandemic 4 months was the standard approach to sector consultations/activities and we wish the OfS to return to these sorts of deadlines asap to get the best engagement from the sector rather than rushing through and risking individual and sector-wide reputational damage and disadvantaging smaller providers with fewer resources.

Question 1 To what extent do you agree with our proposal for provider-level, periodic ratings?

Strongly agree | Tend to agree | Tend to disagree | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We agree that on balance a 4-year cycle offers the best balance between efficiency, burden and timeliness of the data, and agree with the approach for it to be a provider rating, but taking into account differences by student characteristics, subjects and mode of study.

However, we think the current proposal not to allow any mid-cycle assessments will disadvantage longstanding providers not yet on the OfS register. We hope the OfS will rethink this proposal and include a midpoint assessment for new providers to be judged for the first time.

Question 2 To what extent do you agree with our proposal for aspects and features of assessment?

Strongly agree | Tend to agree | Tend to disagree | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We believe the proposals provide a clear framework for the exercise and how it relates to wider OfS regulatory tools. However, it omits its relationship to the UK Quality Code which we feel would add additional value to the exercise as the code has been developed with the view of setting out core practices of the student experience and is used to enhance HE provision more qualitatively and therefore we feel its inclusion adds value to the TEF methodology by providing an additional reference point providers can refer to in their submission.

GuildHE members welcome the new approach to creating their own narrative around educational gains but would like the OfS to consider resharing the work of the HEFCE Learning Gain projects so that all HEIs can see what discussions have gone before and can learn/grow from these experiences. This is a complex area to communicate effectively and the sharing of practice would be helpful both for providers in putting together their submissions, and also for the training of the TEF panel. We especially feel that as not all of the benefits of HE are measurable in standardised metrics we hope that the TEF panels will be trained in seeing this element of assessment in its widest possible form.

Question 3 To what extent do you agree with our proposal for the rating scheme?

Strongly agree | Tend to agree | **Tend to disagree** | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We agree with the proposal that there should be four ratings that recognise different stages of provider excellence above the baseline, and the addition of a fourth award mitigates some of the concerns we have over the public perception of a 'bronze' rating. Nevertheless, we still oppose the use of the Gold, Silver and Bronze labels as we do not feel they accurately reflect the stages of quality and are not universally understood. This is why the public in the past perceived a bronze award as a negative and we would not like this perception to be repeated again as it has harmed our international reputation. We would like the OfS to undertake some genuinely open cognitive testing of different labels and publish the outcome of this so that the sector can best understand how the public view the ratings.

Furthermore, we are unclear why the recommendations in the Pearce review have not been considered by the OfS. We believe it is condescending to prospective students and their advisers to suggest that they would not understand 'commended' or 'outstanding' especially as these are already well used to describe other parts of the Education sector. Student focus groups may very well have a basic understanding of what a bronze/silver/gold award might mean but this almost certainly will be superficial. We know from academic studies relating to admissions and behavioural economics that the vast majority of applicants/consumers rely on the overarching quality indicators set by regulators and sector bodies rather than go into deeper detail for themselves.

Furthermore, we are strongly opposed to the phrasing of the fourth judgement 'requires improvement' as we do not think this reflects the quality of the provider and has negative connotations associated with OFSTED ratings. If the RI judgement is above the baseline then this should be explicit, we feel that because of the historic context of this phrase in education this could be misleading to prospective students if interpreted as a 'failing' judgement. If the OfS has concerns relating to B3 compliance this should be presented in a different way, such as removing or not awarding a TEF grading. Whilst we commend the OfS for encouraging enhancement through the TEF exercise, eligible providers are meeting the quality thresholds of the OfS even if it does not have any features of good practice/activity above the baseline. We provide alternative suggestions to what this rating should be called in the answer to question 4.

Question 4 To what extent do you agree with our proposal for where there is an absence of excellence?

Strongly agree | **Tend to agree** | Tend to disagree | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We agree the category should exist and we sort of understand why the OfS has decided not to take on the fourth suggested rating of 'meets quality requirements' by the independent review panel because of the TEFs interconnectedness with B3. However, RI does not reflect the fact that the provider is overall above the minimum baseline requirements and in essence, just doesn't have any exceptional features of quality/good practice. We think that these would be more appropriate than the suggested Requires Improvement:

- satisfactory
- unrated
- no award given

Whilst we think the fourth category is useful to help the public better understand that the 'bronze level' shows features of excellence, we do not feel (as highlighted in our introduction) that the OfS has provided enough clarity on this fourth judgement and how it relates to its wider regulatory measures which are understood to be focussed on providers who do not meet the minimum baseline requirements. We think more work should be done to better articulate this and reframe the award as suggested above.

We also wish to highlight to the OfS that in the development of its regulatory code it signalled to providers that any decision to provide enhancement above the baseline was a strategic decision for individual providers to decide for themselves. This was part of your narrative to ensure that all providers regardless of their governance and history had equal opportunity in meeting the standards set. Mentions of enhanced practice were stripped out of the UK Quality Code for this exact reason. Whilst we welcome a renewed interest in championing enhancement we feel that framing the RI judgement as 'failing' is wrong as it goes against your previous ruling that providers can decide for themselves if they wish their provision to exceed baseline standards.

Furthermore, without wanting to complicate the process further there is cause to suggest that it is in the public interest for providers who are not eligible to take part in TEF because they are not meeting the OfS' baselines to say so publicly on their website. This is where a "requires improvement to participate in TEF" status could be used and we would feel more comfortable with the words "requires improvement" in these circumstances.

Question 5 To what extent do you agree with our proposal for provider eligibility?

Strongly agree | Tend to agree | **Tend to disagree** | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We agree there is a balance to strike between ensuring that as many providers as possible can participate whilst maintaining a robust approach to data credibility and analysis. On balance, we are not sure whether 500 students over 4 years for just one metric is appropriate for consideration in the exercise. This would mean that it would be mandatory for a provider with an annual intake of just 125 students and an on-campus student population of around 375. We think that the split metric data for

these providers would be nonexistent in most cases and volatile at best and we think the OfS needs to better demonstrate that this threshold will not discriminate against smaller providers.

The infrastructure of providers of this size will also make the exercise more challenging and burdensome, and we are concerned that the TEF panel will not view the submissions of these providers in a positive light especially when they will be more reliant on the provider narrative to make judgements. Whilst we are grateful for the clarity and support the OfS will provide institutions with regards to submission templates, we are not sure that this completely mitigates the risks of fewer resources and more volatile data. We would like to therefore have a further conversation with the TEF team about how the TEF panels will view providers of this size - and especially as they will also be unlikely to have meaningful NSS and Graduate Outcomes data.

We are concerned that the threshold for mandatory participation of 500 students for only one metric is too low and we do not think it is fair for a provider to be forced to participate and only receive a partial award because they don't have any/enough completion data to make a judgement. We believe a provider must have at least one experience (continuation) and one outcome (completion) data set. We would also like to see more detail on the minimum threshold number of students in each metric for the data to be valid and therefore for the institution to be eligible. It may be that for some providers they have 500 student data over 4 years for continuation, but only 50 students who have so far completed the programme and have no Graduate Outcomes or NSS data (especially true if there is substantial provision that is not prescribed HE). We therefore think there should be minimum thresholds in place for student numbers for each of the core metrics so that providers are not disadvantaged compared to more traditional HE institutions.

It may also be beneficial for those providers who are not eligible to participate to have a formal way of showing this publicly - so as not to inadvertently be seen by the public as an inferior provider (or worse they do not meet OfS baseline quality requirements).

Question 6 To what extent do you agree with our proposal for courses in scope?

Strongly agree | Tend to agree | Tend to disagree | **Strongly disagree** | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We fundamentally disagree with the OfS proposal to use registered data for TEF purposes. Whilst we agree that providers are responsible for the academic standards and threshold quality of their franchise provision it is arguable whether they have the equivalent responsibility to ensure excellence, or necessarily have the contextual data/evidence to form a narrative about the student experience off their campus. This suggested approach also counts these students twice within the dataset which adds an unnecessary burden. Furthermore, there are other ways (through the B3 general conditions) to incentivise registered providers to be accountable for their franchise students. We think this will add confusion for students too - the final award will not completely relate to the learning experience they will receive at the provider. Similarly, we would never support the OfS to include validated only provision, especially where that provider does not have any of its own taught students. This would be confusing to prospective students and does not relate to the academic standards for the awards they are undertaking.

Whilst the registered data may not account for many students overall and therefore begs the question as to whether this is the best use of regulatory effort, this could significantly skew data in a number for providers who have large numbers of collaborative partners and therefore we do not think this proposal is in the public interest unless the partner is not on the OfS register itself

Furthermore, OfS' own analysis in paragraph 121 of the indicators consultation highlights that the teaching provider "is likely to have had the greatest influence on the outcome or experience being measured, and about which it is most appropriate for us to make a judgement about the quality of the academic experience that has facilitated that outcome." We therefore do not understand the rationale for using registered data in the TEF when the OfS itself does not think that registered providers have a significant influence on the student experience in franchised provision.

We are also concerned with how the panel will view non-prescribed student data. As these students do not participate in the NSS or Graduate Outcomes surveys, and the methodology of the ILR return is different to the HESA return we do not think this data should be treated in the same way as prescribed student data - and it will be important for institutions to be able to add additional context to this data in their submissions.

Question 7 To what extent do you agree with our proposal for provider submissions?

Strongly agree | Tend to agree | Tend to disagree | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We are grateful the OfS have responded to our previous concerns around supporting providers to create high quality and useful submissions for panels to make their judgements on. Firstly, giving more weight to the narrative provided by HEIs will enable all providers regardless of size or specialism to put together a strong submission and be judged fairly. The addition of a template will further ensure equity across the sector and support smaller providers, especially those who do not have the same level of resource to coordinate a provider submission.

We do think that if the OfS intends to include registered student data then providers with whom this applies should be given an extra page in which to respond to the data recognising that this will be more complex to interweave into its own description of its teaching practice, and additional contextual evidence may be needed.

Question 8 To what extent do you agree with our proposal for student submissions?

Strongly agree | Tend to agree | Tend to disagree | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We are strong advocates for student engagement and welcome the OfS taking on board our feedback from previous consultations that a student submission would add additional richness to the TEF process.

Panels must be mindful though of the constraints for some student bodies to put together such submissions. GuildHE will support our student representative with training and advice, but not all HEIs have students' unions or resources to undertake this task. The template will be a helpful addition to support students to undertake an independent submission but panels should not judge the quality of

the provider (nor the quality of the relationship between staff and students) solely on the quality of the student submission.

We are also concerned that the current proposed timeline would mean that it would be near impossible for the student body to submit a well-evidenced and thorough student submission for this cycle. Sabbatical officers will be new in post (8 weeks in), students to consult with are not easily accessible during September and October, and many students unions, associations and representatives will not have staff teams to support their engagement in this work. For a truly independent, evidence-based and high-quality student submission the OfS would need to change the submission window to a deadline of December.

Question 9 To what extent do you agree with our proposal for indicators?

Strongly agree | **Tend to agree** | Tend to disagree | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We welcome the approach in TEF to benchmark data and believe that this should be used more widely by the OfS to better understand provider context in all of its regulatory activity.

We agree that apprenticeships are structurally quite different to other more traditional UG provision but we worry that there are so few students studying these that it will be problematic to develop robust benchmarks with a few providers dominating the space. Furthermore, in smaller cohorts data validity will be problematic - and split indicators would be nearly impossible for this cohort of students.

We believe that split indicators are a useful way for the TEF exercise to see their whole student experience in a provider level exercise. However, we are worried at the sheer number of split indicators proposed which members have received through this consultation exercise are simply overwhelming providers with data to digest and respond to. We think subject and student characteristics are the most important aspects of the suggested split indicators for the exercise to reflect the main cohorts of students. Whilst the other suggested splits are interesting (and may very well uncover interesting practices in some providers) they are not universal to all HEIs, may stifle innovation in the skills space and make the data sheets and provider submission overly complex, especially for a provider where the majority of the additional splits are not applicable or are very small cohorts. As the TEF exercise is framed as for enhancement and not of regulation/baseline quality, we think that the number of splits used in the exercise are too many for providers to respond to within their submission.

As will be detailed in our B3 and data consultation responses we are also particularly concerned with the way the indicators relating to progression are framed. Whilst we welcome the removal of LEO data and the inclusion of other outcomes such as travel and self-employment not captured by the SOC 1-3 classifications, we think there are fundamental flaws with the Graduate Outcomes data in the way it takes a census approach to data collection and we will have examples of students (especially in the creative industries) where on one specific day the graduate was not employed in a graduate job, but the next week and the previous week were. We also have several examples of where the central call centre have wrongly coded a students activity for example a filmmaker, active in his profession, being classified as sports and leisure assistants SOC code 62110; a graphic designer leading a complex graphic design and typography project being coded as a pre-press technician SOC code 54210; graduates working on film sets within their profession were also coded as leisure assistants. Furthermore, we absolutely sign up to the values of equality of opportunity, but we must not ignore the

systemic barriers to equality of outcome. HE institutions can and should do more to bridge the gap in prior knowledge and experiences but cannot be fully responsible for years of school failures and employer prejudices.

Whilst we welcome the response from the OfS that there will be an opportunity for providers to ask for data amendments, there is not currently a formal process to do this on an annual basis centrally with the Graduate Outcomes team. This is worrying as there are substantial numbers of data points that need recoding due to call centre error. We have also previously articulated how the SOC classification is not in and of itself the only way to classify a highly skilled job and we have a list of examples of where our graduates are in highly skilled work, including in the care sector, the creative industries, education and agriculture, and we are concerned that the current approach both penalises providers who equip their graduates for genuinely skilled work not recognised in current SOC, and may also unintentionally stifle innovations in industries who are developing graduate routes and further professionalising their workforce. For example, in care work (all of which are currently classified as SOC 4) there are many skills interventions happening to improve the quality and capabilities of the workforce, and graduates play a substantial role in the research and innovation in this space (especially concerning dementia care). We do not want the OfS's regulation to stop the professionalisation of industries or impact on the levelling up agenda by using SOC as an arbitrary measure of 'high skilled'. There is also a political element to SOC coding as it informs government visa restrictions, and therefore we think it would be appropriate for the OfS to use SOC 1-3 together with a list of other graduate jobs which meet highly skilled criteria.

What we would therefore like to see as part of the outcome of this consultation is for the OfS to have an additional list of occupational areas which are of strategic importance to the UK skills needs (such as care and agriculture) that are not currently classified as SOC 1-3 but still highly skilled professions. More detail on this is contained in our response to the data indicators consultation.

Question 10 To what extent do you agree with our proposal for expert review?

Strongly agree | **Tend to agree** | Tend to disagree | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We believe it is important for the TEF panel to include a range of expertise and subject disciplines to ensure there are balanced discussions and judgements. We are however unclear how professional service skills - especially in relation to access, student support and EDI would be captured by an academic call for nominations, without explicitly asking for those who have such job roles within institutions. As TEF is theoretically an academic quality exercise we expect that the vast majority of nominations will come from academic or quality positions within HEIs. We therefore think the OfS should be mindful of this when seeking nominations and make explicit the skills, experiences and attributes they are looking for in candidates so as not to adversely discourage professional service staff from applying - many of which are key to delivering much of the TEFs focus and have vast amounts of experience in supporting students from different backgrounds to succeed.

We agree with the proposal to remove a specific place on the panel for employers for all the reasons cited within the document.

As noted elsewhere in this document we do not feel that the current proposed timeline provides enough opportunity for panel members to be trained in the complexities of HE provision, nor does it give them

enough time to make informed decisions. We do not understand why the proposed timetable is so tight and we would prefer that the exercise is done properly with well-trained panel members and space to make decisions, than for the exercise to be undertaken quickly. This is especially true where there will not be another exercise for 4 years - so these are important decisions which need to be right first time.

We are glad to see there is an opportunity for providers to make further representations to the panel after an initial judgement has been reached to add an additional layer of robustness to the process. As a peer-review methodology, we believe it is important for providers to challenge any wrong assumptions about its provision and be given the opportunity to contest the panel's findings. We do not think that those providers who do not query their results should have their judgement published early, especially as there is only a 6-8 week timeframe between the initial judgement and the final judgements by the panel being made.

Question 11 To what extent do you agree with our proposal for the assessment of evidence?

Strongly agree | **Tend to agree** | Tend to disagree | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We believe that the TEF process should be based on a fair and equal weighting of data and additional narrative provided by the institution and student submissions. We remain concerned that the nuances of the statistics used in the exercise will be broadly misunderstood by panel members, many of which will not have experience of using data in this way. This is why it is vitally important that high-quality training on statistical modelling and outcomes should be provided to the panel in advance of seeing any real data. We are particularly concerned as the representative body for smaller providers in the sector that the statistical variability of the data will be misinterpreted by panel members and it will therefore be harder for panel members to have confidence in our data presented to them. Furthermore, we are sensitive to how panel members perceive providers that have no data available by split metrics, and would not wish to not be considered outstanding simply because of our student numbers. This is why we wish the guidance to genuinely assign an equal weighting to the provider and student submission document.

As mentioned previously we do not think it would be fair for a provider to be entered into the exercise without a complete set of data on outcomes and we do not think a partial award is appropriate for a process without interim opportunities to be re-assessed.

What is not clear from the approach as stated is whether the OfS have plans to create minimum/maximum numbers of providers receiving Gold-Silver-Bronze. We believe that there should be a criterion-based system, with all those meeting the criteria being awarded the appropriate award. A norm-based approach based on a perceived Bell curve would not be appropriate, although we can understand the political motivations for such an approach. We would be strongly opposed to this in reformed TEF - where enhancement and continual improvement is the cornerstone of the exercise and therefore stifling the number of Gold awards for outstanding practice would be demotivating.

We also want to see far more detail on the guidance the panel will be provided with to help make robust, fair and transparent judgements. There is no standard approach to delivering HE in our sector and we are concerned that this guidance will either not reflect the various approaches to HE (especially

the risk of being biased towards large traditional providers) or the panel will not be challenged on their prior assumptions and biases. Peer review is the fairest approach to take with such a diverse HE system, but it does come with a need for clear and detailed guidance and training. The historic approach of QAA review training is a good example of an investment of time and effort in ensuring that institutions understood the process and 'rules of engagement' and reviewers understood their responsibilities, how the sector is made up, and features of good practice across different types of providers. This training is time intensive but necessary in order for the TEF to be seen as a robust exercise. This is particularly important in areas where there are no metrics or a standardised approach (such as educational gain). We do not want panel members to make decisions based solely on their own interpretation of what gain is - they need to understand different approaches that providers take and how a narrative can be developed outside of the standard academic and employment outcomes.

Question 12 To what extent do you agree with our proposal for published information?

Strongly agree | Tend to agree | **Tend to disagree** | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We do not think it is advisable to have a tiered approach to releasing TEF results and having a 'pending' label. We think you should aim to announce the vast majority of decisions at the same time as we feel there may be adverse public perceptions of those institutions who chose to make additional representations to the panel - even when they are challenging factual inaccuracies. We therefore believe that it is fair for the main results to be published after the main appeals process has taken place.

Question 13 To what extent do you agree with our proposal for the communication of ratings by providers?

Strongly agree | Tend to agree | Tend to disagree | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

Question 14 To what extent do you agree with our proposal for the name of the scheme?

Strongly agree | **Tend to agree** | Tend to disagree | Strongly disagree | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We agree that this is the best name for the exercise but are still concerned that the detail of the exercise does not necessarily reflect this title. Using the data for registered students and looking at student employment outcomes for example is not directly related to the quality of teaching for the individual providers receiving an award. We therefore think that it is problematic to use registered student data as it is not directly relevant to students using the TEF to make decisions about where to study.

Question 15 To what extent do you agree with our proposal for the timing of the next exercise?

Strongly agree | Tend to agree | Tend to disagree | **Strongly disagree** | Don't know / prefer not to say

Please provide an explanation for your answer. If you believe our approach should differ, please explain how and the reason for your view.

We do not think the timeline has factored in enough time for the OfS to consider responses, put out a new technical document on the mechanics of the new system and then only give providers 2 months to submit. As a matter of principle, we do not think that giving the panel more time to make the decisions (16-18 weeks) than providers and students to digest the new technical document and develop their submission (8-10 weeks) is acceptable.

Furthermore, the tight time frame for providers would add unnecessary burden and additional costs - especially for smaller providers where their staff are already stretched due to the continual changes being made to the sector in relation to quality and data - and these are the same people who coordinate the TEF submissions as well as undertake their day jobs. This timeline will force smaller providers to buy in additional data expertise to help analyse the data and provide guidance on ways to respond to it. We therefore think a short window of time for providers to see the technical documents, see a refreshed TEF datasheet from the OfS and develop with a full, robust and thoughtful institutional submission in 8-10 weeks is fundamentally unfair to small providers.

We are also concerned about the speed of the current process when there are still several providers seeking registration with the OfS. If this exercise is not going to be repeated for them at a different time then it is unfair to exclude them from the exercise - especially when the speed of decision making to get them on the register is not in their hands, but led by the OfS.

The timescales proposed are also especially problematic for the student body - where until mid-October there are no opportunities to consult with students as they are not yet on campus and/or are engaging in welcome activities. Having a submission deadline of the beginning of November would therefore only give a couple of weeks to put together the student submission. For many providers on the register (well over half), this work cannot be done in advance of students returning to campus as there are no students' unions with well-resourced staff to pick this work up and use existing data. Furthermore, for those institutions with students' unions the sabbatical officer(s) would only have been in post 8 weeks before the beginning of the process and during this time they have to undertake training and get up to speed with how the HE sector and their institution works as well as plan and deliver fresher activities. We, therefore, believe that continuing with the proposed timeline would risk meaningful student engagement in the exercise.

We also do not consider the fast pace of the timeline necessary. Whilst we understand that there are no TEF awards currently in place we would rather the sector has an appropriate amount of time to digest the consultation, work collaboratively with the OfS on the development of the technical document, have sufficient time to deliver a high-quality submission and the panel have the right amount of time to make robust and well-informed decisions than have the current approach run as stated. We therefore think it would be most appropriate for the timeline to be paused until the OfS has received responses to this consultation and have digested the issues and opportunities the sector responses bring up - especially as it is not planning to allow any 'in-cycle' TEF resubmissions and awards will stand for four years.

At worst - if the OfS are adamant that this exercise is undertaken and awards given by July 2023 then we would therefore like to counter propose that the deadline for provider and institutional submission is not before the end of December. This would mean that providers and students have 12-15 weeks to prepare and submit, and the panel have 12-15 weeks to make a decision. At the same time, the OfS

could be using this extra time to deliver ongoing training to the panel members in advance of them receiving the documentation at the beginning of 2023.

Ideally, though, we would like to see a timeline that reflects the long term needs of the exercise. We think that publishing results 4 yearly in September would provide the greatest impact for informing student choice for the next admissions cycle (considering first applications are made mid-October). In this instance, it would therefore be appropriate for the OfS to provide a submission window to HEIs that closed in early Spring. This timeline would also mean it would not interfere/overlap with the planned HESA data submission timetable which at present would further take away resources from institutions to develop a well-evidenced TEF submission.