

OfS consultations on the Teaching and Excellence Framework, student outcomes, and the construction of indicators – University Alliance submission

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About us

University Alliance (UA) is the voice of professional and technical universities. We represent a group of 14 large to mid-sized universities working at the heart of their communities.¹ Alliance universities partner with industry and the professions to deliver the workforce of today and tomorrow through practical, skills-based learning and applied research.

We are pleased to make a high-level submission to the Office for Students on three interlinked consultations on the Teaching Excellence Framework; a new approach to regulating student outcomes; and constructing student outcome and experience indicators.

Summary

Alliance universities are deeply committed to providing a high-quality academic experience and excellent outcomes for all students, and we find much to support in these three interlinked consultations. Below we outline several recommendations that we believe would make the proposals work more effectively.

TEF

We welcome the retention of and improvements to the Teaching Excellence Framework (TEF). We would like to see the **TEF submission window delayed until late winter or spring 2023**, after the B3 prioritisation and assessment has taken place. We are also in favour of **new TEF award categories** to reflect the fundamental changes made to the methodology, and the replacement of the highly misleading 'requires improvement' category with 'meets quality requirements' where quality is at the baseline.

Student outcomes

We welcome the increased scope for benchmarking and contextualisation in the proposed approach to student outcomes. However, we remain concerned that the use of absolute thresholds linked to continuation, completion and progression could have **unintended consequences**, for example on access to higher education for certain groups of students, and even lead to an erosion of quality in academic standards. We are calling on the OfS to **monitor and regularly review the impact of the proposals** to guard against this. It is vital that the assessment and prioritisation process be made more **consultative, transparent, long-term, and targeted at the most severe breaches**.

Construction of indicators

We highlight challenges related to the **volume and presentation of data** and make suggestions to improve the three indicators of continuation, completion, and progression. We would like to see a **broader view of what constitutes a positive graduate outcome** in the progression measure.

¹ Our members are Anglia Ruskin University, Birmingham City University, University of Brighton, Coventry University, University of Derby, University of Greenwich, University of Hertfordshire, Kingston University, Leeds Beckett University, Middlesex University, Oxford Brookes University, University of South Wales, Teesside University, and University of the West of England, Bristol.

1. Teaching Excellence Framework consultation

As teaching-led institutions, Alliance universities have long been champions of the TEF in principle. We believe the consultation proposals amount to a significant improvement on the current framework and particularly welcome the:

- Explicit aim of enhancing teaching and learning
- Balance of qualitative and quantitative data
- Increased student engagement
- Retention of benchmarking of student outcomes data
- Removal of longitudinal educational outcomes (LEO) data on graduate salaries
- Scope to include information on education gain.

These were all recommendations made in UA's 2019 [submission](#) to the Independent Review of the TEF.

However, we have concerns to raise related to the following areas:

- Rating scheme (Proposals 1, 3 and 4)
- Provider eligibility (Proposal 5)
- Courses in scope (Proposal 6)
- Student submissions (Proposal 8)
- Indicators (Proposal 9)
- Published information (Proposal 12)
- Timing of the next exercise (Proposal 15)

a. Rating scheme

We agree in principle with provider-level periodic ratings, which reflect the quality of its undergraduate courses. However, we disagree that the existing rating categories – Gold, Silver, and Bronze – should be used in the new TEF. Using these categories for a significantly different assessment framework is likely to invite a misleading narrative around winners and losers in relation to previous exercises.

Alliance universities would prefer the categories proposed by the Independent Review of TEF: Outstanding, Highly Commended, and Commended. These are clear categories that are widely used outside the higher education sector. We would also welcome any alternative scale such as High Quality, Very High Quality and Outstanding that makes it clear there is a new TEF methodology and approach.

We support the creation of a fourth category where there is an absence of excellence, and quality is at rather than above the baseline. However, we believe the label 'requires improvement' is highly misleading in this context, as it suggest quality is below rather than at the baseline. Parents understand that when a school is given a 'requires improvement' rating by Ofsted that it is legally required to do everything in its power to improve and it will be inspected more frequently as a result. This is not the case with TEF, which is looking at quality above the baseline. It is unlikely that a layperson would understand this distinction.

This label could unnecessarily damage a provider's reputation in the UK and overseas. There is also real potential for confusion between the 'requires improvement' category and the 'improvement notice' that the OfS has the authority to serve to providers when they have breached a condition of registration. University Alliance prefers the wording recommended by the Independent Review: 'meets quality requirements' or alternatively 'working towards excellence.'

Whatever it is labelled, providers in this fourth category should have the opportunity to apply to make a revised submission to the TEF panel at the mid-way point (after two years) in which they can demonstrate that their provision is now above the baseline.

b. Provider eligibility

Our support for this proposal, which requires providers to satisfy baseline quality and standards requirements to be eligible for the TEF, is contingent upon a fair and transparent process for prioritisation (see s.2.b). By the OfS's own analysis, most providers are likely to find one or more aspects of their provision below the baseline. Eligibility for TEF should only be stripped for significant breaches of the B conditions, and the threshold for removal needs to be set out clearly. It is also unclear whether a breach related to postgraduate or other non-undergraduate provision would have an impact on TEF eligibility. We think it should relate to provision covered by the TEF only (i.e., undergraduate).

Given the link between meeting the baseline B conditions and being eligible for a TEF award, we also think the timing of the B3 prioritisation and assessment processes and the TEF submission window needs to be carefully considered, and that they take place in sequence rather than in parallel. Ideally, the TEF submission window would occur *after* the B3 prioritisation. This is one of the key reasons we would like a later submission window for the TEF than is currently proposed (see s.1.g).

c. Courses in scope

We disagree with the proposal to include registered students that are taught by another provider within a provider's TEF submission. This is partly due to the difficulties of presenting this complex information within a provider's 20-page submission, and how to reflect the views of multiple student bodies within the independent student submission. The exercise risks being unnecessarily burdensome for providers and diluting the picture about the most significant part of the provider's teaching activity. However, there is also a point of principle. Whilst we agree that a lead provider should have responsibility for the quality of courses delivered through partnership arrangements, it does not follow they should also be responsible for excellence above the baseline. For similar reasons, we do not support the inclusion of validated-only undergraduate courses or Transnational Education (TNE) in the TEF in the future.

d. Student submissions

University Alliance has long advocated for the increased engagement of students in the TEF, and we are supportive of proposals to include an independent student submission. However, we have a few queries related to the nature of the student submission and the

way it will be weighted. Firstly, given the student submission is voluntary, to what extent would a provider be rewarded or penalised for including or not including a student submission? Secondly, what is the relationship between the provider and student submissions, and to what extent should the two work together to produce these? Thirdly, how would the submission be evidenced and verified, and what role should providers play in this? We also have concerns about the inclusion of partnership provision, and how the student submission could take account of this (see s.1.c).

The proposed timescales coincide with new sabbatical officers taking up their posts and it is difficult to see how they would have the prerequisite knowledge of the institution and views of their fellow students in time to produce a submission. This is an additional reason we are calling for the TEF submission window to take place in late winter or spring.

e. Indicators

We welcome the proposals that indicators should account for no more than half the TEF judgement and the inclusion of a provider's performance in relation to its benchmark. We also agree with the inclusion of indicators based on the National Student Survey (NSS), though it is difficult to comment further since the questionnaire is currently under review. We also query what would happen in institutions that do not participate in the NSS. Our comments related to the B3 student outcomes indicators are below (see s.3).

f. Published information

We are concerned by the proposal to publish the TEF ratings of some providers when others are still pending. We would prefer that all ratings be published at the same time. It is crucial that the OfS ensures that providers with a pending judgement are not disadvantaged by the publication process.

g. Timing of the next exercise

Our single greatest area of concern within the TEF consultation is the proposed timescales, particularly the short submission window, which takes place at an extremely busy time at the start of a new academic year. We believe the timescales are unnecessarily tight for providers, particularly if they want to include an independent student submission (which Alliance universities most certainly do). In addition, the process of recruiting and training the TEF assessment panel is vital to the success of the exercise and should not be rushed. In our view, there is simply no need to expedite the process for a new award that will last for four years; the OfS, TEF panel, and providers need ample time to get this right.

As explained above, we also think it is important that the B3 prioritisation process takes place before the TEF submission window. We propose moving the window to late winter or spring, which would allow more up to date data to be included. We also want to ensure that the TEF submission does not occur in the same year as producing new Access and Participation Plans, as this would create an unnecessary regulatory burden for providers.

2. Consultation on a new approach to regulating student outcomes

University Alliance remains gravely concerned that the proposals in this consultation are likely to have unintended consequences. Student outcomes related to continuation, completion and progression are undoubtedly important, but they are very unevenly distributed across different groups of students, courses, and employment sectors, often for reasons beyond a provider's control. Many differences in student outcomes cannot be attributed to education. For example, the Institute for Fiscal Studies has found that the earnings of graduates from poorer backgrounds are lower, *even conditional on studying the same subject at the same university*.²

The proposals for absolute minimum thresholds create perverse incentives for providers to reduce risk by moving away from key areas of provision, such as: underrepresented students³; flexible provision (which is not well-served by student outcomes data); and diverse and innovative provision (which may lack a clear or well-established progression pathway but is nonetheless vital to the resilience of the UK knowledge economy). Academic standards could also be lowered to meet continuation and completion targets. This gaming of the measures will be exacerbated if they are incorporated into university league tables, which seems likely.

In other parts of the public sector, a preoccupation with a narrow set of nationally defined targets has led to huge failings, demonstrated notably by the Mid Staffordshire hospital scandal.⁴ There is evidence that the use of data as an accountability tool in education in both the US and UK has encouraged leaders to 'game' the system and focus on a small handful of issues rather than broader priorities.⁵ In recent years, management experts have recommended a reorientation away from targets.⁶ University Alliance and much of the rest of the higher education sector have been calling on the OfS to benchmark the thresholds to mitigate the potential for unintended consequences. However, given that this recommendation has been firmly rejected, we are recommending that the OfS monitors and regularly reviews the impact of the proposals.

In addition to this overarching concern, we make recommendations pertaining to three key areas related to Proposals 4 and 5:

² J. Britton, L. Dearden, N. Shephard & A. Vignoles (2016), How English domiciled graduate earnings vary with gender, institution attended, subject and socio-economic background, IFS Working Paper W16/06 (London: Institute for Fiscal Studies), www.ifs.org.uk/publications/8233.

³ In a 2021 report on continuation, HEPI noted that, 'any institution which believes it will be punished financially for a high or increasing drop-out rate may seek to limit their recruitment of people with characteristics that put them at higher risk of not completing their course.' See N. Hillman (2021), *A short guide to non-continuation in UK universities* (Oxford: HEPI), www.hepi.ac.uk/2021/01/07/a-short-guide-to-non-continuation-in-uk-universities/.

⁴ D. Holmes (2013), "Mid Staffordshire scandal highlights NHS cultural crisis", *The Lancet*, 381(9866), pp. 521-22.

⁵ J.Z. Muller (2018), *The Tyranny of Metrics* (Princeton: Princeton University Press).

⁶ E. Cotton, R. Kline, and C. Morton (2013) 'Reversing performance in the UK National Health Service: from targets to teams', *People + Strategy*, 36 (2), pp. 64-65.

- Proposal to publish information about individual providers' student outcomes and performance
- Approach to assessment and prioritisation
- Proposals for considering the context of an individual provider.

a. Publishing information about providers' student outcomes and performance

We support in principle the proposal to publish data about individual providers. However, we have concerns about the large volume and complexity of the datasets and are not confident that these would be able to be easily or accurately interpreted by prospective students and their families, or indeed the wider public. Moreover, it is important that the contextual information considered by the OfS is also presented alongside the data. We therefore recommend that the OfS:

- Provides a high-level summary of the data for each provider which includes key contextual information
- Publishes clear, public-facing guidance on how to interpret the data.

b. Approach to assessment and prioritisation

University Alliance is deeply concerned about the proposed approach to assessment and prioritisation outlined in the consultation. There is no commitment to consult on or publish the criteria for prioritisation each year. To be fair and effective, we believe it is essential that this process is made significantly more independent, transparent, consultative, and longer-term. Moreover, in keeping with the regulator's risk-based approach to regulation, it must target the providers at greatest risk of non-compliance with condition B3. It should therefore always aim to prioritise assessing the most severe breaches where the statistical evidence is strongest (e.g., 95%). Another key risk factor could be the number of students affected.

The OfS should consult with providers, students and others on its assessment and prioritisation policy, and this should be set out clearly in writing and remain in place for a set number of years rather than change annually. The approach outlined in the consultation – and particularly random or thematic prioritisation – is likely to lead to a lack of trust on the part of providers and could lead to accusations of unfairness and even politicisation in the future.

c. Considering the context of an individual provider

University Alliance is strongly supportive of the regulator's decision to always consider a provider's context when making judgements about its performance in relation to the numerical thresholds. However, we would like more clarity on how context will be consistently applied by OfS during the assessment process. One way this could be achieved is by not intervening where a provider is within their benchmark. There are also questions about what counts as admissible context. We would like to see the OfS accept information pertaining to education gain (value added), student voice and geographical labour markets

as evidence of their achievement of positive student outcomes. It is also crucial that any contextualisation is reflected in the published student outcomes data.

3. Consultation on constructing student outcome and experience indicators

We welcome proposals for the indicators regarding suppression of neutral outcomes and the ability for providers to supply contextual information as this will ensure data is used effectively and fairly in regulation. The opportunity to supply contextual information about the implementation of initiatives which have improved the most recent figure of the four-year aggregate indicators will allow relevant activity to be recognised.

However, we do have an overarching concern about the sustainability of the proposals in the face of fundamental changes to the collection of data (for example Data Futures), and wider changes to higher education, notably the Lifelong Loan Entitlement. We support UUK's recommendation that the OfS places a moratorium on inclusion of modular provision in regulation of quality and standards until robust data and measures can be developed. The continuation and completion indicators are at odds with government's plans to increase modular and flexible provision. As the Dearing Report noted back in 1997, 'non-completion will become an increasingly difficult concept to measure if more students undertake higher education programmes in a flexible way, over a long period of time.'⁷ We would welcome the opportunity to work with the OfS on this in the future to develop appropriate measures.

a. Volume and presentation of data

The volume and complexity of the student outcomes data will require providers to allocate substantial staff resources to manage, monitor, and understand it. Explaining the data to non-experts will require alternative methods, as the graphical indicators are not intuitive. We request that the OfS provides worked examples showing how to interpret the data, for example in videos, and to provide the facility to download data from the dashboards for onward use. We feel that the labelling of the dashboards could be reviewed for greater clarity in describing what the data represents.

If the dashboards are to be published for use by prospective students and the public, we request that relevant contextual information is published in addition to the dashboards and quantitative data regarding size and shape of provision, as this nuance may be vital to understanding a provider's results rather than misleading a non-expert.

i. Split indicators

Alliance universities are also seeking greater clarity on how the split indicators will be used by the OfS. In the case of newer data, providers may not have assessed the data themselves

⁷ The National Committee of Inquiry into Higher Education (1997), *Higher Education in the learning society* (London: Her Majesty's Stationery Office), www.educationengland.org.uk/documents/dearing1997/dearing1997.html.

making it difficult to give meaningful feedback or understand how they could have responded to any negative trends.

ii. **Binary measures**

While the use of binary measures provides a welcome degree of simplicity, what is classed as positive, negative, or neutral is inherently subjective and needs to be a) consulted on with the sector and b) continually reviewed. This is particularly crucial when it comes to the progression indicator, where there is arguably the greatest scope for subjectivity (see s.3.c).

b. Continuation measure

The proposed continuation measure differs from the current sector performance indicator on continuation, creating unnecessary additional burden on the sector. We understand the census dates were modelled to show no major difference to how this is currently constructed by HESA. However, we note that the HESA change to 50 days was made recently so we would like to understand more of the rationale for the reduction to 15 days. There also appear to be discrepancies in the proposed calculations regarding dormancy in that two-year dormancy is treated as negative but elsewhere four-year dormancy is excluded from some numerators.

c. Completion measure

We consider that indicators based on actual data rather than projected outcomes which cannot be recreated using internal systems would be more representative and transparent and therefore prefer the cohort tracking measure.

d. Progression measure

Producing employable, enterprising graduates is at the heart of University Alliance's mission. However, we continue to have serious concerns about the proposed progression indicator, which is constructed using the new Graduate Outcomes Survey (GOS) with low response rates and only three years of data available. The OfS should keep the use of GOS under review and evaluate the robustness of this measure on a regular basis.

As currently constructed, the progression indicator and the proposed definition of higher skilled employment provide a narrow definition of success that does not fully capture progression into some careers e.g., the arts and humanities. There are also many useful and fulfilling forms of employment, as well as entrepreneurial routes to success and societal contribution, which are not defined as managerial or professional employment. With SOC codes updated only every ten years, there is also a real risk that this categorisation may quickly become outdated. The OfS should explore the creation of an in-house database of graduate-level jobs to rectify this lag.

The proposals class potential activities as positive or negative for the purposes of the progression measure. We agree that any level of further study, caring and retirement should count as positive outcomes. However, we do not believe that interim activity should be excluded from positive outcomes. This has the potential to exclude undergraduate students who immediately progress onto postgraduate taught (PGT) study, which is a major oversight

and does not give these graduates the benefit of the doubt. We also disagree that 'doing something else' should be a negative outcome. Treating it neutral may be a more appropriate response if a judgement cannot be made. The OfS should encourage use of the graduate reflections section of the GOS to contextualise the progression measure, along with any evidence of education gain.