

# INDEPENDENT HIGHER EDUCATION

IHE response to the OfS consultation on the future approach to quality regulation

December 2025

## Introduction

IHE welcomes OfS' aim to create a streamlined and coherent approach to regulating quality. However, we have concerns about the proposed approach and its implications for smaller and specialist providers.

The consultation signals a major shift: TEF will no longer be a periodic exercise but part of OfS' business-as-usual quality processes, integrated with B3 and possibly other conditions. While this could reduce duplication, the current proposals risk increasing burden and cost. The proposed flat TEF fee of £25,000 is disproportionate for smaller providers, and IHE calls for this cost to be integrated into annual OfS fees and scaled by provider size.

IHE strongly supports integration in principle but cautions the OfS that the model is not suitable for providers with fewer than 500 students or those delivering pathway and other models of partnership provision. Data-driven approaches cannot fairly assess these providers, and we recommend an alternative qualitative model focused on enhancement plans and contextual evidence, supported by small n methodologies. We also propose introducing Provisional TEF (PTEF) ratings for new entrants, assessed during registration, to avoid gaps in published ratings and unnecessary delays.

IHE welcomes the retention of the student submission and supports alternative methods for student participation. We call for practical measures to enable student assessor contributions, including a reframing of the value of these roles for students that are not sabbatical officers, so they see the potential impact of their participation.

Our response rejects proposals to link TEF ratings to institutional rights such as Degree Awarding Powers (DAPs) or student funding. These rights are statutory under HERA and should

not be contingent on TEF outcomes. TEF should incentivise improvement through commendations, not punitive measures, which would also better serve as an information tool for potential students. Removing funding from students or imposing sanctions based on TEF ratings would undermine quality and equity.

There must be space within the regulatory system to enable innovation, and the proposals risk hampering providers who are ready to respond to industry and employability needs. Innovation should be recognised as a positive enhancement, not treated as a risk. An alternative qualitative model focused on enhancement plans and contextual evidence supports innovation by allowing providers to demonstrate progress without being constrained by unreliable data, and introducing commendations within TEF will reward providers that go beyond maintaining quality and actively innovate as part of enhancement.

Other key recommendations include:

- Clear timelines and indicative scheduling for TEF assessments to support planning and transparency.
- Integration of TEF with registration and DAPs processes, to streamline and reduce duplication.
- Recognition of diverse provision, including pathway models, with tailored approaches to avoid misrepresentation.
- Exclusion or alternative assessment for provision currently outside NSS or lacking reliable data, such as postgraduate and short courses.

IHE remains committed to working with OfS to design a system that promotes enhancement, transparency, and fairness across the sector, ensuring that regulation supports diversity and innovation rather than creating new barriers.

## **Question 1a**

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

IHE and our members welcomed the prospect of an integrated quality system. We engaged with the OfS during the pre-consultation phase, and members gained an understanding of what this could mean and the benefits it could bring. Our members had anticipated streamlined processes that would reduce burden. Their hope was to avoid the recurring situation where they must repeatedly explain their context and approach to education to different parts of OfS often when data failed to provide adequate evidence of excellence.

However, the current proposals do not sufficiently or evidently integrate across the different elements of OfS' quality and assessment related activity.

Instead, there appears to be an over-reliance on the Teaching Excellence Framework (TEF) as the mechanism for judging all providers, using a broad-brush approach to homogenise regulation for a diverse sector. This unfortunately does not meet the expectations of IHE's members for an integrated approach.

An example of the lack of integration is the approach to DAPs. While the consultation notes that DAPs and TEF could and should be better integrated, the current proposals focus primarily on linking TEF ratings to the ability to apply for or retain DAPs. This is not integration; it is creation of a mechanism for punitive action where there may be no evidence of failure.

True integration would allow a provider's TEF assessment to contribute meaningfully to a DAPs assessment, or vice versa. The consultation acknowledges difficulties for new DAPs applicants, particularly those applying alongside registration or those who do not yet have a TEF rating but offers no solutions beyond recognition of the problem. This is insufficient. Assurances are needed now. IHE members that were not part of TEF 2023 are worried that, having just faced one round of delays to DAPs applications processes due to the pause in some duties by OfS, they will now find the gateposts move again for scenarios such as the ability to pursue IDAPs when no TEF rating is held. Members already in DAPs application process are concerned that they may end up in a holding pattern in their DAPs applications; that a bronze rating in TEF could lead to an extension of unknown duration in their DAPs journey while awaiting a further TEF assessment.

Similarly, in the pursuit of integration, the OfS should take the opportunity of quality assessments during registration to assess providers for TEF at the same time.

The Behan Review highlighted that smaller providers suffer disproportionate burden and cost from OfS regulatory activities. These proposals perpetuate that burden rather than adjusting appropriately to encourage more providers to join the regulated space. Instead, disincentives are scattered throughout the consultation, creating unintended consequences.

The consultation proposes a TEF participation fee of £25,000 per provider. If TEF is mandatory, applying the same fee regardless of whether a provider has 50 students or 15,000 is untenable. The cost per student is disproportionate and has been met with universal condemnation by IHE members.

If OfS proceeds with all proposals, TEF will be integrated into assessments of B3, incorporate assessment of other B conditions, and possibly integrated with assessments of A conditions. In this model 'TEF' as an assessment is no longer an occasional exercise but part of OfS' business-as-usual activities. The cost of TEF should therefore be incorporated into the annual provider fee and scaled according to provider size, rather than applying a flat fee. OfS already applies banded fees for registration annually, acknowledging provider size. This principle should apply to TEF fees if participation is mandatory. Following the departure of QAA as the Designated Quality Body, OfS increased fees to take on this role; these fees should now form part of the fund for the TEF model if the system is integrated as OfS proposes.

OfS has suggested that alternatives to its proposed TEF model may be more costly. However, the current proposal charges £25,000 for the data-based methodology, while quality assessments for registration cost £28,000. This indicates that cost-heavy, visit-based approaches could be delivered at a comparable price point. A qualitative small n model for smaller providers would therefore not be more expensive than the other models costed by OfS.

IHE believes in the benefit of bringing all English providers under the regulator's reach, and we work to create better understanding of the pathways into regulation and draw on our expertise and that of our community to make this as accessible as possible. However, the proposals fail to

acknowledge that registration is already difficult – not difficulties from an appropriately high bar for entry, but due to unclear processes and opaque timelines.

Providers attempting registration must provide business plans but are at the same time on shifting regulatory sands that make planning nigh-on impossible. Without certainty that OfS will adhere to its own timelines, providers cannot plan effectively.

The consultation introduces further uncertainty, despite providers continuing to meet the conditions of registration:

- Ability to access higher fee limits could be removed.
- Ability to gain and retain DAPs is contingent on cyclical multi-year quality processes.
- The cost-benefit of registering based on available funding which can be removed on a cyclical basis.

This makes it increasingly difficult for providers to reconcile regulatory burden with the benefits of joining the register. It would be unsurprising if the smallest providers opt to leave the Approved (fee cap) category, or leave the register altogether, because benefits are no longer guaranteed. This is a problem for student protection – IHE believes that every student deserves protection from regulation where it is genuinely in the student interest. Regulation needs to be designed to make the system realistically accessible for as wide a pool of providers as possible.

Furthermore, creating a system where providers are unable to access DAPs due to a quality assessment, is contravening the intention of HERA which sought to decouple access to DAPs from other processes to ensure parity of access. This would arbitrarily deny providers a statutory pathway that HERA intended them to have, recreating structural barriers that the Act sought to dismantle. Instead of widening participation and supporting specialist institutions, this approach would narrow access and undermine diversity in the sector.

IHE recommends that the OfS take a more truly integrated approach across the full range of assessments or judgements on the quality of provision and student experience. For those providers who are in the process of registration, a TEF judgement could be formed during registration with the OfS. This would avoid duplication of two quality assessment processes within a short period and prevent unnecessary delays in issuing a TEF outcome for providers who have already been subject to recent in-depth scrutiny. Where data is not available, rather than this being a barrier to assessment or resulting in aspects of TEF being published with no judgement, instead an outcome should be given that indicates a provisional TEF (PTEF) for cases where the provider has been assessed on their enhancement plans but there is not yet evidence of impact. There is clear alignment between the quality assessment at registration and the Bronze rating criteria. This should serve to streamline TEF outcomes – but should not extend the period it takes to register.

For illustrative purposes, the following scenarios are outlined:

- **Provider A:** Brand new, no provision yet. Uses B7 and B8 as proxies for B3. No evidence of success or failure, but credible plans exist. Published outcome is PTEF, with no consequences as there is no evidence of risk. If there were evidence of risk, that would have been dealt with during the registration process accordingly.

- **Provider B:** Moves from subcontracted to validated provision and is applying to the register. Evidence is available to be presented, and what is demonstrates evidence at the baseline. TEF assessment possible, but with no evidence above baseline the published outcome is Bronze.
- **Provider C:** Well established provider, applying to the register. Extensive evidence of high quality at registration and TEF assessment can be made. Published outcome is TEF Silver – and is awarded in an integrated way through registration.
- **Provider D:** Already registered for one year, no data yet but met baseline expectations on credible plans at registration. Scheduled for TEF in future year accordingly. Published information denotes the schedule e.g., TEF2032.
- **Provider E:** Already on the register with a previous TEF rating, no evidence of failure. Maintains status until next scheduled TEF. Published information denotes the schedule e.g., TEF2030.

IHE recommends that all providers should be given an indicated timeline of review. This would allow all providers to have a TEF status listed – whether already awarded, pending assessment, or given a rating of PTEF where evidence of impact or data was not available at the point of registration. This type of indicative timeline would allow providers and OfS to plan any activities which should be integrated in an informed manner. This would avoid more instances where a provider is assessed on a B3 metric, then delayed in a DAPs process during the same year for the same reason – in both instances context explained the anomaly. OfS should be able to pass this information on internally and this will be facilitated by understanding when providers will go through multiple regulatory quality processes in a short time period.

IHE strongly believes that an alternative review model is essential where data is insufficient (supressed data due to small numbers) or unrepresentative of the student body. A qualitative approach incorporating small n methodologies, similar to those recommended for access and participation evaluation, would enable a more integrated and meaningful quality assessment for providers with small or atypical datasets.

This model should draw on cumulative information over the assessment cycle and include evaluation of enhancement activities to demonstrate consistent or outstanding quality. Providers with small or slow growing student numbers, or with high populations of students missing from data sets, would prefer these options. For example, international students are not included in Graduate Outcomes data, making current metrics misrepresentative of providers with large populations of international students.

If providers are required to repeat the same contextual explanations each cycle – either to compensate for data that misrepresents their provision or to explain missing student experience indicators – the process becomes unnecessarily burdensome and repetitive. The most effective way to reduce this burden is to adopt a qualitative, small n model that focuses on improvement and context rather than unreliable benchmarks. We recommend that this approach be applied to providers with fewer than 500 students or where data does not accurately represent the student body.

## Question 1b

### ***Do you have views on opportunities to reduce duplication of effort between the future TEF and Access and Participation Plans?***

An understanding of approaches to access and participation is crucial for interpreting the broader context of many providers. Closer alignment between TEF and APP should include not only providers producing full APPs but also those in the Approved category who submit statements explaining approaches that might otherwise appear as risks under the risk monitoring tool. This would boost the use and quality of access and participation statements, currently seen as a registration exercise rather than an enhancement tool as there is no incentive to use them.

Members are concerned about the removal of educational gain from TEF considerations, as this risks penalising providers with lower-tariff entry profiles. It reinforces the perception that TEF rewards recruiting high-achieving students rather than recognising the impact providers make on students who would not normally access higher education. Linking TEF with APPs is therefore essential to ensure widening participation efforts are valued within quality assessments. While members welcome this link, the method for achieving it remains unclear and worrisome, particularly for providers that have already undergone significant APP changes in recent years.

The introduction of a risk monitoring tool referencing many approaches IHE members use to widen access – such as foundation years or recruitment with lower tariff due to contextual admissions - is potentially problematic. OfS already holds knowledge of these approaches through APPs or Condition A2. Providers should not need to explain again, through TEF, why they use measures that have already been deemed effective in addressing equality of opportunity risks. This is another area where the integrated model risks becoming more repetitive than integrated.

IHE members, especially those with smaller student populations, are also more likely to use inclusive design models (<https://ihe.ac.uk/latest/publications/ihe-inclusive-practice-project-report>) to support the students they recruit, many of whom come from underrepresented groups already. These models support students from a range of underrepresented groups and have been applauded by TEF panels. However, APPs require more targeted approaches, leaving providers to run parallel but exclusive activities at greater costs to comply with the established APP approach. An integrated quality approach, that supported APP assessment, could recognise where inclusive design or practice supported students from underrepresented groups to continue, complete, achieve and progress. This assessment could then replace the need to re-assess evaluation of the same measures in the much narrower construct of the APP, especially given the same risks are being assessed in both models. Where a provider can demonstrate through recruitment data that they consistently recruit a student body dominated by underrepresented groups of students, and the integrated quality model demonstrates success for those students from the interventions made by the provider, any further assessment of access and participation metrics would be repetitive and nothing more than additional burden.

Closer alignment will take time to implement, but in the meantime, there is a risk that providers will be discouraged from recruiting students through accessible means - such as lower tariffs or

foundation years - if these are perceived negatively by the regulator. Providers need assurance on what constitutes good practice, either through sector-level guidance such as insight briefs or at provider level. This assurance should confirm that measures contained within a published APP will not, in themselves, be treated as risks in TEF assessments.

## **Question 2a**

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

#### **Unsuitability of the model for the diversity of the sector**

It is noted in the consultation the sector is supportive of there being quality assessment for all registered providers, and this is true of IHE and our members. Cyclical review is an appropriate tool, widely understood, and should be able to dovetail with provider approaches to continual enhancement. However, this does not mean supporting a single method for the entire sector, particularly one that embeds biases to larger providers into both the process and outcomes. The current system has been designed for providers with extensive datasets, and IHE members had hoped to see solutions to long-standing issues where data does not accurately represent their type of provision or remains suppressed and unavailable due to size.

IHE members are concerned about the OfS' approach to homogenising the methodology for assessing teaching excellence across the sector. While consistency is important, the sector is highly diverse, and a single model cannot fairly capture this diversity. Data-driven approaches become unreliable when student numbers are small, data quality is inconsistent, or student characteristics vary significantly. The TEF model relies heavily on a timeseries that providers will need to build, disadvantaging new providers, and implementing systemic problems for providers who innovate or change. Simply removing parts of the rating system where data is problematic does not result in a method of assessment suitable across the sector. In these cases, the model produces diminishing returns and risks misrepresenting provision in what is supposed to be a public information tool.

TEF as proposed is not suitable for providers with less than 500 students and also poses significant problems for providers in specific types of provision including pathways and other teaching partnerships. There is wide acknowledgement across the sector that the data for smaller providers is not suitable for this exercise, and small n models should be considered. There is a well-recognised challenge in evaluating small cohorts, and TASO is currently undertaking work to improve methodologies in this area. OfS acknowledges the need for better approaches for small providers in APP work, yet the TEF proposals appear determined to apply one methodology for all.

#### **Lack of clear indicators of excellence for students or incentives to innovate and change**

IHE recommends that OfS incorporates commendations into the TEF model as a mechanism to incentivise innovation. Commendations would encourage providers rated Silver or Gold to go beyond maintaining their current position and actively develop new models that respond to emerging student and industry needs. For example, commendations in areas such as entrepreneurship could recognise providers that support students to start businesses, rather than defaulting to the 'safe' option of directing all graduates into further study or traditional

employment. This approach would reward creativity and responsiveness, ensuring TEF drives enhancement rather than simply reinforcing existing practices.

IHE recommends implementing a commendations model across the integrated quality system to drive continuous improvement aligned to student populations and institutional missions. Commendations would provide students with clear, relevant points of comparison, give prospective students more meaningful insights into what providers do well, and offer providers a constructive incentive for enhancement. The commendation model would also meet the needs of students as OfS sets out in paragraph 73, which suggests OfS' own research showed *"there is scope to improve the value of the information by ensuring that clear, succinct information, which is more specific about what can be expected, is presented alongside a provider's ratings."*

### **Alternative models**

IHE recommends that if TEF becomes mandatory, there must be a differentiated model for providers with 500 students or fewer. IHE notes that many of the alternative models referenced in OfS' Annex E align with approaches we have proposed below. However, our recommendation is that these models should be applied specifically to certain providers, where they would significantly reduce cost and regulatory burden for both OfS and institutions, while also improving the quality of judgements. For small providers, a consistent, transparent, and proportionate model is far preferable to imposing an ill-fitting methodology that offers no clear route to success and risks misrepresenting quality.

This alternative should focus on enhancement, allowing providers to demonstrate progress through qualitative evidence rather than being repeatedly measured against incomplete or missing benchmark data.

IHE recommends an alternative integrated quality model that places more emphasis on a written submission that sets out enhancement and continuous improvement plans, rather than data. This could integrate data where it is available and reliable but there would be an expectation that this data is contextualised with qualitative evidence of improvement models. This model would not have to have TEF Gold/Silver/Bronze attached but would be clearly identified as an alternative model with commendations and concerns identified.

Unlike the current OfS proposals, this approach would focus on enhancements achieved during the period between assessments, using the previous assessment to build a cumulative picture of a provider. It could adopt a cyclical process similar to APPs, where providers either submit an improvement plan for the upcoming cycle based on the previous cycle or demonstrate progress through evidence of actions taken. This model would create a stronger link between quality and APP in the future, supporting integration while promoting continuous improvement. The model could also better incorporate the growth patterns of smaller providers, recognising quality markers linked to progression to new partnership models or DAPs to facilitate more efficient assessments of these growth milestones.

Additionally, OfS should consider reintroducing provisional TEF (PTEF) ratings as an option given to providers new to the register, who can be assessed alongside registration. This would acknowledge that the current data-driven approach is not suitable for new providers and give institutions time to address data limitations before a final rating is confirmed in future rounds.

Without such flexibility and differentiation, judgments risk being misleading and providers risk being penalised for a lack of alternative evidence for excellence not evidence of poor quality. In TEF 2023, some providers received Requires Improvement ratings solely because data was missing, despite delivering good or excellent provision. In such cases, it was the measurement system – not the quality of provision – that required improvement. The system must accommodate providers with small datasets, recognising the volatility caused by even minor changes in student behaviour within such limited data. Students will not understand the nuances behind the assessment process or the limitations of the data, and they may make decisions based on inaccurate information. This undermines the purpose of TEF as a tool for transparency and improvement. In its current proposed form, and without appropriate alternative options being offered, IHE cannot support extending TEF coverage to all 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?***

IHE welcomes OfS' acknowledgement of sector diversity but notes that few proposals will help smaller providers participate effectively, and some may add burden.

The removal of forced grading distribution (25/25/50) is positive, as providers will now be assessed against clear criteria rather than relative comparisons. This will improve confidence, provided OfS issues clear guidance on evidence requirements. Assessors must avoid comparing providers and instead judge submissions independently. A dedicated panel for small providers, with tailored training, may be advisable. Guidance must be clear on how weighting works when data is missing or of poor quality. In TEF 2023, guidance stated panels would not apply predetermined weightings and that providers could emphasise features relevant to their mission. In practice, panels sought evidence against every feature and weighted all equally, resulting in Requires Improvement ratings where evidence was incomplete. This inconsistency created confusion and burden.

Clear guidance is also needed on:

- **Growth and new courses:** Government policy encourages growth and innovation to meet skills demands; OfS must not penalise providers for actions aligned with these priorities particularly where course closure and new validation is the most appropriate approach. Providers were penalised in TEF 2023 for closing poor-performing courses despite pivoting to meet industry needs. OfS must explain how assessors will consider new courses, inconsistent time-series data, and evidence of quality and risk mitigation during growth.
- **Small n data:** Embed TASO's guidance on interpreting small datasets to ensure fair judgments.
- **Qualitative evidence:** Clarify how panels weigh qualitative vs. quantitative evidence and allow sufficient page limits. The current 25-page limit is unrealistic, and IHE members often need to use substantial page-counts to explain their model.
- **Missing data:** Explain how judgments will be made when data is unavailable and what constitutes acceptable qualitative evidence, including context statements and student focus

groups. For example, in TEF 2023, a provider submitted a survey covering 95% of its graduating cohort as an alternative to suppressed Graduate Outcomes data. However, the TEF panel deemed this insufficient because the cohort was fewer than 20 students. Regardless of which view is correct, both assessors and providers need certainty on whether such evidence is acceptable.

### **Consistency and stability**

By 2026, TEF will have existed for nine years but undergone major revisions and multiple submission formats. Guidance for independent providers has altered substantially over this time, alongside other major regulatory changes including a shift from the student alternative record to the student data model and, for the first time, comparison with publicly funded providers. Smaller providers lack historic frameworks that other parts of the sector benefit from and need a stable model to adapt over time. OfS should work with IHE to analyse successful approaches and alternative evidence models before the next TEF cycle as this has not been analysed to date.

First-time submissions should be treated as experimental, with no sanctions unless there is clear regulatory breach. This would reflect the uncertainty faced by both providers and panels when assessing submissions that differ significantly from those of large providers with extensive datasets.

### **Support and alternative data**

OfS should reinstate alternative data sources (e.g., APP data) and provide examples of acceptable evidence as small n methodology is developed. New providers should have one-to-one discussions with OfS to clarify expectations and address data gaps.

Initial quality assessments should be integrated into the cyclical model to identify consistently high-quality aspects in a provider's particular context. Sharing this in published information on assessments would support other providers.

### **Incentives and interventions**

IHE does not agree that the proposed incentives and interventions will enable smaller providers to participate. Suggesting otherwise demonstrates a lack of understanding of their challenges. A more effective approach would be to offer smaller providers an alternative model, as outlined in our response to Question 2a, ensuring that incentives are genuinely earned and interventions are applied only where necessary.

### **Transparency and timing**

Guidance must be issued well in advance, ideally years before deadlines, to allow smaller providers time to develop sustained evidence patterns. IHE members often need to develop alternative evidence for contextual purposes or as alternatives to data where larger institutions can rely on standard datasets. In TEF 2023, panels frequently noted a lack of sustained evidence, yet guidance was provided only three months before submission, which was wholly inadequate.

## Cost implications

OfS must reconsider TEF fees and assess the real cost for small providers, who lack dedicated TEF teams, student unions, and specialist data staff. A realistic assessment of the cost of delivering TEF for a small provider is essential.

Although OfS states alternative data need not be gathered, uncertainty about judgments may still compel providers to produce additional evidence, adding cost and burden.

The costs for a small provider often include:

- **Hiring external support for the provider submission:** Many small institutions rely on their registrar for compliance, but preparing a TEF submission is a specialist task requiring dedicated time and expertise. Engaging a consultant or temporary staff member to draft the submission can cost several thousand pounds.
- **Supporting the student submission:** Without a student union or dedicated student engagement team, providers often need to hire an independent consultant to guide students through the process and ensure a high-quality submission. In TEF 2023, consultancy offers for this support were typically in the range of several thousand pounds.
- **Data analysis:** Small providers may need to employ a data analyst to interpret TEF datasets and provide analysis where data is missing or suppressed for inclusion in their submission. This is an additional cost that larger providers absorb through existing teams.
- **Projects to generate evidence:** Where OfS-funded projects have supported evidence gathering, costs have included salaries of around £40,000 per year for a project manager. For small providers, creating similar projects to provide evidence of impact for the purposes of the TEF can represent a significant financial burden.

## Question 3a

### ***Do you have any comments on what provision should be in scope for the first cycle?***

TEF has already undergone substantial changes over the past two revisions, including from the initial proposal, and this latest revision is more significant than either previous iteration.

Consistency is critical both for the success of the model and for reducing burden; therefore, we support the proposal that the first cycle should include only undergraduate students.

However, we do not agree any phased approach is appropriate where the absence of a TEF rating – and the inability of a provider to apply for one – results in the consequences we outline in question 13. Providers should not be penalised for failing to participate in a process they are prevented from joining, whether by regulation or design. Setting aside our significant concerns about some of the proposed 'incentives and interventions, OfS must ensure that the absence of a TEF rating is not conflated with a poor TEF rating. In addition, we encourage OfS to consider our proposal for an experimental TEF for first-time providers, as outlined in our response to Question 2. Linking regulatory benefits to TEF outcomes creates a serious dilemma: providers must either participate in a system that cannot fairly assess them or lose access to key

institutional rights. This scenario is fundamentally problematic and requires urgent resolution as part of the first cycle to avoid inequitable consequences.

There are a number of areas that OfS needs to consider very carefully if they intend to include proposed delivery models in the first cycle, especially with the changes they propose to the assessment.

### **Partnership provision**

When approaching the ratings of partners, the OfS proposes to consider students taught through partnership arrangements as part of TEF assessments at both partner providers, and proposes to implement a limiting effect on provider ratings where there is a material difference in quality between taught and partnership provision. There appears to be an intention to assess the quality at partner providers within the same assessment period, as that is presumably the only way to have comparative data. OfS needs to consider, and clarify for the sector, how this will be operationalised. One awarding partner may have multiple delivery partners – and vice versa – which could lead to complex considerations for which providers need to be assessed in similar timeframes. OfS needs to provide clarity on a number of issues that present complexity:

- Assessors need to have access to information about partner providers – there cannot be limiting factors based on data alone, so partner provider submissions will need to be considered
- Assessing partnership providers on different timeseries will be problematic
- If delivery partners are expected to contribute to their awarding partner TEF exercises this will create additional burden
- Students studying under partnership arrangements cannot be expected to contribute to multiple TEF processes – including expectations around focus groups to supplement any missing data
- Assessors will need to have clear guidance (also accessible to the sector) on how to form judgements for partnership provision

Partnership data has only been published at the teaching provider level this year, meaning this may be the first time subcontracted providers have seen their data analysed in this way. These providers are therefore at a considerable disadvantage, and the data itself is still classified as experimental. It would be premature and ill-advised to use this data for decision-making until its publication and methodology are more fully developed.

There should be consideration given to applicability of the method to pathway provision. These involve complex governance arrangements with university partners, creating separate entities with different student experiences. Assessing this type of multi-site pathway provider under a model not designed for their provision would impose significant burden, not only on providers but also on OfS, and would not deliver meaningful insights. Without adjustments, this approach risks creating a costly and complex exercise that fails to achieve its intended purpose.

IHE members report significant challenges in obtaining data from their academic partners. The process is often inconsistent, and the data received frequently does not match expectations from their own internal data. Awarding partners typically hold partnership data separately from

their main student records, and it is either inaccessible or cannot be easily disaggregated and shared. This results in poor data accessibility across the board.

OfS must provide clear guidance on how providers in subcontractual partnerships can participate in the proposed TEF approach. These providers usually cannot monitor the data that OfS uses on an ongoing basis because of these accessibility issues. While the publication of new dashboards on subcontractual provision is helpful, alignment with internal metrics remains inconsistent. In many cases, providers may see their data for the first time in these dashboards and struggle to reconcile it against their own measures.

OfS should make it explicit that awarding providers have a responsibility to maintain up-to-date, frequently refreshed, transparent, and accessible data-sharing practices with their teaching partners. Without this, teaching providers remain accountable for outcomes data they have never seen and have no opportunity to address.

OfS' TEF team must recognise this as a systemic issue, which will become more frequent as more providers are required to register under the DfE's proposals for monitoring franchise provision. It is unrealistic to assume this will not affect franchise providers in TEF assessments. These providers are at risk of inaccurate data and, consequently, poorer ratings – issues that stem from the processes and practices of awarding providers and from OfS' design of the TEF method, rather than the quality of teaching provision itself.

IHE remains concerned that franchise providers are being required to participate in regulatory processes that have not been designed with their model of provision in mind. Historically, franchise providers have been told they are not eligible to register – and now they are expected to register and be assessed by these same processes that were previously unsuitable. The TEF will be another example of providers needing to participate in regulatory activity that lacks transparency on applicability. The ability to evidence how they have addressed B condition issues which are outside of their control – e.g. where they do not control course design and content – will clearly put these providers at a disadvantage.

### **Apprenticeship provision**

It is noted by OfS that apprenticeships are already subject to regulatory scrutiny, with the question posed on whether there needs to be an additional element through the TEF on student outcomes and assessment for apprenticeship provision. It is unclear the benefit of this additional assessment to students with the significant investment made in regulatory process at the design stage of an apprenticeship which is simply not the case in open courses. Until recently IfATE (and in future Skills England) sets standards, approves assessment plans and regulates many aspects of EPAOs. OfS has not sufficiently made an argument which justifies the cost and burden of inclusion in the first year of TEF for such a limited point of data.

Quality assurance of endpoint assessment does need to be reviewed, but that is a quality assurance question, rather than enhancement which is the focus of TEF. Given the restricted nature of end point assessments, enhancement is much more challenging to achieve, involving employers and other regulatory bodies. Assessment practice is mentioned as one element of the student experience rating criteria, but there is no detail on what information is to be used for this. The most relevant information would be from the NSS – but there is only one relevant question on this, and an entire assessment cannot be based on a single point of data.

Apprenticeship providers in IHE membership have expressed concern of a radically different approach between OfS and Skills England which may result in very different standards applied to EPAO's assessing level 6 apprenticeships to those assessing Degree Apprenticeships. For IHE members with both models of apprenticeship this double regulation would become more unviable should the models become incompatible. We do not think this is a decision OfS should make without detailed engagement with other regulatory bodies operating in the sector.

We are also concerned at the lack of well-developed data on apprenticeships outcomes and analysis of the applicability of OfS data models to apprenticeship data. It should be noted that outcomes for apprenticeships are very different –inextricably linked to their employment. We strongly advise a separate assessment to be made of the TEF model's ability to efficiently evaluate quality in apprenticeships and if it would produce a meaningful analysis for prospective apprentices, when it is unlikely individual employer/provider apprenticeship models can be identified in the data. This should also involve an assessment of comparability between any proposed TEF model for apprenticeships and other regulator's models, to ensure they are compatible enough for one provider to comply with both processes and expectations.

OfS should be mindful of trying to measure all types of provision with the same method when TEF is already stretched potentially beyond capabilities for meaningful sector wide comparison. Apprenticeships is another model which may benefit more from a qualitative and small n approach.

### **Modular provision**

IHE supports the OfS proposal to keep modular provision out of scope in the next TEF, regardless of its inclusion in some partnership data. The same measures cannot apply as the data would not make sense for the nature of provision. Members already report significant challenges with data for modular provision, where it has been reported, with quality concerns and a mismatch with technical guidance on analysis both being frequently cited. OfS must first establish a data model and a clear understanding of the criteria for standard, high and outstanding quality before modular delivery can be incorporated into any future cycle. IHE looks forward to working closely with the OfS on their plans, to draw on the experiences of Members who have well established modular provision.

### **New providers and other provision excluded from NSS**

IHE notes that the decision to keep postgraduate provision out of scope for the first TEF cycle reflects the need to allow sufficient time to build the data required for robust assessments. We support the principle that participation should only apply to providers where sufficient time has been allowed to develop robust data and assessments. Therefore, those unable to participate in NSS or other data sources fully should remain out of scope until this is achieved.

This approach should not be limited to postgraduate taught provision but extended to other providers with inherently low or no data, including new entrants to the sector. It should also apply where provision is not currently captured by NSS data, under the same principle applied to postgraduate study. Pathway provision where the student studies at a pathway provider for less than one year at level 4 or 6 (year one degree or pre-masters), credit bearing short courses and some professional training courses currently included in HESA and student outcomes data but ineligible for NSS should all be delayed until the second cycle until OfS has clearly

identified what the most appropriate model for assessment of the student experience would be. We make further comment about our concerns for assessing student experience where students are exempt from NSS in the relevant section below.

The experience of TEF 2023 demonstrated the risks of participation where data is insufficient. Providers without a three-year time series had an overwhelmingly negative experience, with most indicators suppressed. Providers should not be compelled to engage in a system that is demonstrably unsuitable for their circumstances.

### **Question 3b**

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

IHE recognises the importance of incorporating taught postgraduate (PG) provision into future TEF cycles but highlights several considerations that must be addressed to ensure fairness and robustness. When the NSS was introduced into the undergraduate TEF, it was only included once the survey was well established. It cannot be assumed that a new survey at PG level will be a robust bases for judgements in the first years. A cautious approach is needed for PG provision to mitigate risks associated with new surveys and low response rates. NSS itself took time to achieve reliable participation, and PG provision presents additional complexities.

Postgraduate courses typically have multiple start points and are often only one year in duration, meaning the survey cycle cannot mirror the undergraduate model. A twice-yearly cycle may be necessary to capture meaningful data. Attribution of outcomes to PG-only study is also challenging, particularly where students progress directly from undergraduate programmes, as outcomes often reflect a combination of both stages of study.

The high proportion of international students in UK postgraduate education introduces additional challenges. Benchmarking will be critical, as response rates for surveys such as Graduate Outcomes may be unreliable for international cohorts, and these students often have different expectations of outcomes, which will influence how they respond. These factors must be carefully considered to avoid misinterpretation and ensure TEF ratings accurately reflect the quality of PG provision.

TEF panels will need clear guidance on these caveats, and PG provision may require a dedicated written submission to ensure panels can properly evaluate quality in this space, which has not previously been subject to this level of scrutiny.

Postgraduate-only providers have raised significant concerns about their exclusion from the first TEF cycle and the implications this may have for access to benefits such as DAPs. There is uncertainty about whether TEF will become mandatory for PG-only institutions and, if not, whether they will be excluded from accessing benefits linked to TEF participation. This raises fundamental questions about how the proposed approach to postgraduate provision aligns with the HERA. OfS should recognise that not having participated in the TEF is not the same thing as failing to achieve a TEF rating – and enable access to ‘incentives’ accordingly.

TEF has historically been constructed around undergraduate metrics such as continuation, satisfaction, progression, and LEO data, which postgraduate-only providers often lack. If these providers are excluded from TEF, yet DAPs require a TEF award, PG-only institutions would face an impossible condition: they could not access DAPs because they cannot access TEF. Excluding PG-only providers from TEF while making TEF mandatory for DAPs would be incompatible with the legislative design and policy aims of HERA, undermining both the flexibility it introduced and the inclusiveness it was meant to guarantee.

#### **Question 4a**

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

IHE supports the continued use of the two core TEF aspects – student experience and student outcomes – as these are now broadly understood across the sector. However, we note that OfS previously considered introducing an additional aspect focused on the effectiveness of a provider's approach to quality improvement. We would have strongly advocated retaining this, particularly if positioned as an alternative assessment model for providers where quantitative data for the existing aspects is limited or unavailable. Quality improvement or quality enhancement is well understood in the sector and models are available from Scotland and Wales which demonstrate the interplay between submission and assessment. This model would present a transparent and accessible approach to evaluating quality enhancement for smaller providers, where the proposed model of 'alternatives' has no established process or even value in the sector.

Under the current proposals, OfS intends to incentivise improvement through benefits and disbenefits, yet there is no mechanism for assessing how providers plan to improve or whether those plans are likely to be effective. This information would be of significant value to current and prospective students as a reflection of current rather than historic provision, making TEF a more meaningful tool for informed decision-making. Incorporating commendations and areas for improvement from assessment panels would also add nuance and transparency, which is currently lacking in a system that reduces overall ratings to four broad categories.

IHE is concerned about the expectation that to be awarded Silver and Gold ratings providers will need to demonstrate consistency across diverse student cohorts and subject areas. For smaller or newer providers without comprehensive datasets, achieving this consistency will be extremely challenging and may disadvantage providers because of systemic limitations. As raised above, previous TEF models resulted in assessors seeking data or evidence across all indicators, and where data wasn't available and providers didn't offer sufficient alternative evidence, a Requires Improvement rating was allocated. Any model which further cuts data increasing the likelihood of suppression must have a clear weighting model that does not seek comparable evidence or the burden for providers with suppressed data will be unmanageable.

Weighting across the experience and outcomes measures remains a concern for many members and OfS must be clear that not all outcomes need to have alternative evidence where there is no data. Panels must be able to give weight to those outcomes where there is data or

sufficient evidence more strongly than those where there is an absence and to make the judgement that no data simply means no data, not that something 'requires improvement.'

Additionally, remaining focused solely on student experience and student outcomes, and expecting positive improvements to be apparent over time, is unrealistic when providers may remain in the same rating band (e.g., Silver or Gold) indefinitely, with no assurance of continuous improvement. Those using TEF as an information tool will not see improvement activities through non-granular ratings.

If OfS remain minded to not include an assessment of improvement activity in the main model of TEF, OfS should explore a separate assessment model based on qualitative evidence rather than quantitative indicators, which could result in a different form of TEF rating. This would be alongside reintroducing the option of provisional TEF status for providers unable to access the standard methodology due to being new entrants to the register.

Finally, IHE cannot support the proposed change to the meaning of the Bronze rating. Altering the nature of this category carries inherent risks that could undermine confidence in the higher education sector. TEF 2023 supported the notion that the sector is of high quality – the proposal to reposition Bronze jeopardises the confidence in the sector in the future quality model.

#### **Question 4b**

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

IHE strongly urges OfS to retain the judgement of panels – there is no confidence that the proposed approach will result in accurate ratings. The previous TEF benefited from expert panel assessment of both qualitative and quantitative evidence, and IHE recommends due regard to context be best supported through a panel judgement.

Overall provider ratings should not be determined by the lowest of the two component aspects (student experience and student outcomes). TEF produces two separate ratings and, for many IHE members, one or both may be unreliable due to data limitations. OfS should therefore include reliability indicators alongside this information to ensure transparency.

Several providers received a Requires Improvement rating in TEF 2023 solely because of insufficient data and the absence of alternative evidence, rather than any actual quality concerns. This approach is particularly unfair for providers with excellent student experience but limited outcomes data, and the proposed approach creates a mismatch between reality and the published rating. For example, providers with high proportions of international students are disadvantaged because these students are not well represented in Graduate Outcomes and LEO datasets. Unrepresentative data sources should not outweigh more robust evidence available in the student experience aspect.

Clear guidance is needed, alongside an open channel for discussion with the regulator, to ensure that one aspect rating is not inappropriately used to determine the overall rating. For instance, if students do not engage in focus groups, assessors may lack qualitative evidence

and inadvertently favour providers with more complete datasets, leading to better aspect ratings and therefore better overall ratings – simply because data exists.

We were assured during TEF 2023 that guidance on suppressed data would be clear. However, OfS is aware that several decisions had to be reversed where assessors applied Requires Improvement ratings due to insufficient data rather than genuine quality concerns. OfS must take action to prevent this from recurring. Failure to address these issues could have severe consequences for providers and expose OfS to legal challenge, including judicial review.

## **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?***

We support broad alignment with conditions B1, B2, and B4. However, we remain unclear on how OfS intends to reconcile regulatory conditions set at course level with an institution-level approach. IHE has consistently advocated for subject-level TEF because it enables greater transparency and helps identify where the student experience may be obscured within larger metrics or aggregated evidence. Given the government's stated aim to encourage specialisation within higher education, more attention should be given to ensuring that B1 and B2, in particular, can be assessed effectively within the integrated quality model – especially where data-driven elements alone do not meet the expectations of those conditions.

We encourage OfS to pursue maximum integration within its proposed model and to expand on the concept of TEF as a cycle. A cumulative, cyclical approach – rather than periodic reviews – would allow deeper exploration of relevant or problematic areas. For example, this could include producing specific evidence for B1 at course level where subject-level analysis identifies mismatches in student experience. Similarly, integrating access and participation considerations beyond initial access could strengthen assessments of B2. While this does not need to form part of the main TEF exercise, it could be embedded within a cyclical model that uses TEF as a foundation for closer examination of access and participation. IHE would strongly support alignment on B2 and ensuring that judgements on the success of access and participation initiatives avoid narrowly focusing on small student groups as the sole measure of success.

We are pleased that the student submission is retained, and there are clearly reflections within OfS about models to encourage more student engagement. While there was support for student focus groups – from both students on the IHE Student Advisory Board and providers themselves - IHE members sought assurances that alternatives to the student submission did not incur additional cost as provider burden would already be high to deliver these models.

## **Question 5b**

### ***What are your views on our initial thoughts on the criteria for the student experience rating (at Annex H)?***

We have significant concerns about the use of the staff return as a mandatory metric. This dataset is not required across the OfS register and was originally designed to meet UKRI needs

rather than OfS requirements. Its current state of flux makes it highly unreliable, and for many IHE members it is a new data source, further increasing the risk of inaccuracies. Unlike student data, staff data is not collected when a provider registers with OfS, as partnership models only require student information. Introducing staff data into TEF therefore represents a major change to the regulatory model for providers in the Approved category – a change that is not clearly signposted in this consultation

Staffing models also vary significantly by delivery approach and attempts to derive a staff/student ratio are undermined by omissions in the staff return, which excludes certain categories of staff. This diversity makes it extremely difficult for a small TEF panel to judge the quality or appropriateness of staff/student ratios. Previous models of this kind have required extensive contextualisation, which would add further pressure to the 25-page limit for written submissions. For example, courses with strong industry engagement often report high contact hours with industry experts and professional services staff facilitating projects, but proportionally fewer hours with academic staff – reflecting the nature of the course. Industry experts are not counted in the staff return unless they hold an employment contract, and many contributions are in-kind, which do not fit the return's definitions. Students value this industry expertise and connectivity, particularly when it is a defining feature of their course. In these cases, students receive an outstanding experience, yet staff ratios fail to reflect that reality.

B4, Academic Standards is a challenging area but a vital one to develop into integrated quality appropriately. It forms the balance between generating student achievement for compliance and protecting against grade inflation or similar activities. It should be assessed only where there is a clear connection between quality and standards, rather than an assessment of meeting standards alone.

## **Question 5c**

### ***What are your views on the evidence that would inform judgements about this aspect?***

As noted throughout our response, we do not believe the 25-page limit worked effectively for providers lacking data on the student experience. We have already made a strong case for allowing additional pages to provide sufficient evidence for the panel to make informed judgements. We remain concerned that introducing any additional metrics would further constrain an already limited page count.

We have previously raised concerns about the inclusion of courses or provision exempt from TEF, such as those shorter than one year. This affects pathway providers and members delivering primarily Level 4 or 5 courses under 120 credits. While these courses are included in continuation and completion metrics, they are generally excluded from NSS participation. OfS will need to consider alternative approaches for assessing student experience in these cases, as expanding NSS questions only increases the need for robust alternative models.

Any alternative mechanism must address practical challenges such as timing for intensive short courses, language support and accessibility. Without careful design, there is a risk of over-weighting feedback from small, unrepresentative samples of students who are with a provider for less than 12 months, placing a disproportionate burden on their studies and compromising reliability. We recommend that OfS provide clear guidance on alternative methods, such as

focus groups or structured interviews, and ensure these approaches are proportionate and inclusive, so that student voice is captured effectively without distorting outcomes.

## **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?***

There is strong support for incorporating B3 into TEF assessments. This integration would be particularly valuable for providers delivering skills-based courses, where outcomes are not always reflected in current SOC codes. Combining quality measures with B3 would allow these data points to be assessed in a single process, rather than through multiple separate assessments as is currently the case. If TEF is intended to drive improvement and enhancement, consistency between B3 and the cyclical TEF model will make this easier to achieve. B3 is used daily by providers and is more familiar to senior management and leadership teams as a way of assessing performance against OfS expectations. Institutional change is therefore focused on influencing B3 metrics. When the TEF exercise occurs, providers find themselves judged against different criteria, and translating these nuances for senior leaders becomes burdensome and unhelpful. OfS has an opportunity to consider incorporating student experience into the ongoing B3 metrics.

Some issues are apparent though.

Most pathway providers teach international students on short courses of one year or less. These students face additional constraints, including Home Office requirements, which can affect completion and progression. When international students form only part of a larger population, these constraints are less visible; however, when the entire cohort is international, comparing their outcomes to domestic students becomes unrealistic. Any quality model must allow providers to present contextual information to explain these factors. IHE remains concerned that the current OfS data model assigns responsibility for completion to the first teaching provider in a partnership. This means pathway providers are held accountable for completion metrics even though they only deliver the first year (or first two years) of a course. We strongly urge OfS to reassign the completion metric to the university partner where the student actually completes their degree.

Historically, there have been differences in population views between the data used for each purpose, whether TEF or B3. OfS needs to clarify for the sector what the initial population view will be within a new TEF model. IHE members are supportive of using the B3 population view, as this would enable internal monitoring using B3 on an ongoing basis.

It remains unclear which undergraduates will be included in the TEF exercises and how indicators will be split. Questions persist about whether the focus will be on undergraduate first degrees, undergraduate programmes with postgraduate components, or total undergraduate populations. Currently, there is no apprenticeship mode within the TEF metric – only within B3. Additionally, 'other undergraduate' does not disaggregate the experiences of students studying different types of Level 4–5 qualifications. IHE would encourage the OfS to consider this as part

of their second consultation, as IHE members have continued concerns about inclusion of so many course types within 'other undergraduate.'

IHE does not support the proposal to exclude improvement actions from the TEF assessment. Whilst we agree that course closures should not automatically count as improvement actions, they can be appropriate in specific circumstances, such as changes in course delivery that accompany changes in partnership provision.

Course closure may in some instances be the right method for course enhancement – where providers are changing partners or moving to their own DAPs. There should not be a default decision to disregard this. Individual providers without their own DAPs may have needed to take the action of course closure in order to address inflexibility of previous partnership arrangements which were preventing enhancements to fix known issues with their courses. For instance, in a franchise the teaching provider is likely to have different demographics to the same course delivered at the awarding provider. The franchise delivery partner will not have the ability to change the course to make it more inclusive to their student population; moving to a validated model is a method of taking greater control of content and being able to adapt to the needs of the student population. A common scenario in the move from franchise to validation is course closure – though the provision is renewed within the validated partnership in a different guise. This is valuable contextual information and is different to discontinuing a course which had already been in the control of the teaching provider.

The proposed data is inherently historical, and a cyclical model that ignores progress between assessment points risks becoming a purely retrospective exercise rather than something of relevance to current provision – and current students. While we understand the desire for a robust and less burdensome approach, the OfS should promote a culture of enhancement and acknowledge the value of reflection and deliberate improvement efforts. If improvement actions are disregarded, providers actively addressing issues will still be judged on outdated metrics. This creates a disconnect between actual quality and published ratings, turning TEF into a retrospective exercise rather than a forward-looking quality assurance tool.

For students, this is particularly problematic. TEF ratings may indicate quality concerns without any assurance that improvements have been made. Prospective students using TEF to inform their choices will not know that action is being taken, and by the time improvements appear in the data, years may have passed – long after they make enrolment decisions. This undermines TEF's stated purpose as a reliable information source for decision-making.

Furthermore, ignoring improvement actions risks discouraging an enhancement culture. Continuous improvement is a cornerstone of quality assurance, and the OfS should recognise and incentivise proactive enhancement efforts. By failing to do so, the system signals that improvement is irrelevant to recognition, which is contrary to sector-wide goals.

We urge the OfS to reconsider and ensure that improvement actions are appropriately reflected in TEF assessments to support an enhancement-led culture, provide meaningful, timely information to students, and better support TEF's credibility as an information tool.

## **Question 7a**

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

IHE supports the OfS' aim to streamline the assessment of student outcomes and reduce burden, which is especially important for smaller and specialist providers. We also welcome the development of broader post-study and employment measures that better reflect the diversity of learner pathways in the independent sector and move away from a graduate outcomes only model.

We welcome the continued use of educational gain as optional evidence. For IHE members it is a vital aspect of student success and progression, as well as experience. This will form evidence IHE members would put forward across indicators.

Any future progress-style measure, as signalled in the post-16 White Paper, must be developed collaboratively with the sector to ensure it is feasible for providers with small cohorts, specialist missions, and varied delivery models, and aligns with a reformed TEF.

We would welcome further engagement on how we can move away from the skilled employment measure along in Graduate Outcomes data to incorporate other evidence to reflect the full range of provision offered by independent providers, including postgraduate courses, apprenticeships, modular study, and future LLE pathways.

The proposal to assess providers across all course types for consistency presents significant challenges for smaller institutions. Data splits in these cases often result in suppressed figures or highly volatile year-on-year data, making reliable judgments difficult. These providers are therefore more likely to rely on submitting additional contextual information, as outlined in paragraph 110.

However, it remains unclear whether the proposed optional contextual information will adequately support providers in explaining demographic factors and structural nuances. For instance, the outlined approach does not sufficiently account for the nature of new providers, who typically experience shifting demographics as they establish themselves. IHE members report changing applicant trends that require ongoing enhancements to meet evolving student needs. Limiting contextual information and disregarding improvement actions assumes demographic stability, which is unrealistic for many providers.

IHE would welcome further engagement with OfS on data splits, and the presentation of partnership data. It is essential that the regulator understands how data-sharing operates in practice and avoids assumptions about idealised models that do not reflect sector realities.

## **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?***

IHE members are supportive of a broader range of post-study indicators but suggest aspects such as LEO salary data should be optional where they are significant to providers. Some IHE

members have specialist roles that are highly paid as a result of their training, where others introduce students into freelance work or entrepreneurialism which won't have always have high salaries/self-assessed income at the LEO census but may have good outcomes for students longer term. Other concerns include regional pay disparities, exclusion of international graduates, and the inability to reflect civic outcomes. Members' preference is to consider adding a five-year Graduate Outcomes follow-up, as well as incorporating measures for self-employment and charitable roles already captured in Graduate Outcomes. For instance, the question 'What activities were you doing in [census week]?' is seen as a useful extra question from the survey, which would allow weight to be given to other types of activity that are positive outcomes and give context to some responses where graduates may not be using what they learned in higher education, such as those who are unpaid carers.

IHE supports the inclusion of international students within the scope of TEF, with the caveat that a suitable model is created. As it stands, it is essential that students and other stakeholders accessing TEF information understand the limitations of how international students are represented in the underlying data such as Graduate Outcomes. Without this clarity, there is a risk of misunderstanding, as not all metrics used will accurately reflect the experience of international students.

Paragraph 120 notes that the OfS may share indicators based on the proposed specifications with providers as part of the second consultation. IHE strongly supports this approach, as it is essential for providers to understand how indicators are designed and how they apply in their specific contexts. Early access to this information enables providers to identify and address potential issues in the design stage with the regulator. Failure to share indicators at a stage when design adjustments are still possible would place providers that have not previously participated in TEF at a significant disadvantage compared to the rest of the sector.

IHE recommends that the OfS makes an assessment of the impact of removing educational gain from the TEF on different types of providers. IHE members did experience complexities in articulating approaches to educational gain in TEF 2023 as it was unclear what was required – however it was ultimately a useful exercise for demonstrating excellence. Providers are concerned that without this, their outcomes would have been negatively impacted.

Members stressed that contextual information must be given real weight in assessments. Examples included transfers to modular study, study abroad leading to overseas completion, and professional accreditation routes where early exit is positive. Providers reported low confidence that context was considered in TEF 2023 and called for explicit guidance on acceptable evidence and allowance for additional pages where OfS indicators are suppressed.

IHE is concerned that the OfS has not left scope for providers to explain context when their data indicates that they are of high quality. It is highly plausible that with additional contextual information, their ratings could be upgraded to Gold as their model is providing outstanding quality for their demographic of students.

## **Question 7c**

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

IHE members appreciate efforts to reduce burden, such as removing the need for extensive contextual information alongside data. However, the benefits of reducing burden may be outweighed by the risks of misrepresentation or lack of nuance in datasets. For example, providers with a large proportion of postgraduate students may be judged primarily on undergraduate data, which does not reflect their main student demographic.

OfS should consistently offer clear opportunities for context in small data sets as routine. A few perceived failures can swing a data set, and good outcomes can be obscured – such as those who leave their course early due to securing a job in their chosen industry due to the experiences on their course prior to the expected end date. Prospective students would want to know about such cases, and there should be scope for commendations for providers that are supporting student ambitions effectively, rather than adhering to metric driven systems.

Similarly, flexible programme structures or global mobility arrangements, which are integral to some providers' models, may appear as non-continuation in the data. This is evident in cases where providers have multiple and global campuses, and students are enabled to move between locations as they study. Even though students are completing their studies across campuses, they appear to exit due to the data not tracking their move overseas. These nuances cannot be captured by benchmarks alone. Providers need the ability to explain their context beyond raw data to avoid discouraging innovation such as flexible structures and global mobility.

## **Question 8a**

### ***What are your views on who should carry out the assessments?***

The suggestions for approaches to expanding the variety of staff in the assessor pool is welcomed, with the consultation making useful suggestions in paragraph 133.

IHE recommends that OfS explicitly include non-academic staff in the pool of TEF assessors and ensure this is widely publicised during recruitment. Many of the most knowledgeable individuals in smaller and specialist providers work in professional services roles, and their expertise would be highly beneficial for fair and informed assessments. Recognising this expertise would broaden the assessor base and improve representation. Although the roles are traditionally filled by academic staff, the OfS propose to broaden the pool to their own staff members. If OfS expertise is deemed a suitable alternative to academic assessors, then the same should apply to the extensive expertise of professional services staff both in small, specialist and college-based providers, and across the sector.

The role of the OfS staff does need to be clear to the sector. OfS should be integral to providing the historical contextual knowledge of providers on the register, and if this is a method of reducing the need to repeatedly explain context, then it would be welcomed.

Feedback from members is that the length of time required by assessors to the role was simply not possible for staff in small or specialist organisations where they are likely the only person undertaking that role. 30-45 days out of work is upwards of two months from their role, a position untenable for them. To enable more assessors the time commitment must shrink and compensation offered to providers to support alternative staff cover for the roles in their institutions.

In addition, providers should have the ability to raise objections to proposed panel compositions where there is insufficient diversity of institutional types or perspectives, or concerns about involvement of specific individuals with conflicts of interest. This safeguard would help ensure panels reflect the full range of provision across the sector and avoid systemic bias in decision-making.

### **Question 8b**

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

IHE does not support limiting representations to Bronze or Requires Improvement ratings. If providers are unable to submit sufficient contextual information to explain anomalies in their data, they should also have the ability to query a Silver rating. Restricting this right risks unfair disadvantage for providers whose data does not accurately reflect the quality of their provision. In addition, it is entirely plausible that contextual information would improve outcomes from a positive Silver rating, to outstanding and a Gold rating. Allowing representations on Silver ratings would ensure confidence in the fairness of the TEF process.

IHE supports the ability for a targeted reassessment for those who are rated Requires Improvement – however it should not be the case that targeted reassessments can only result in a Bronze rating. The assessment process should not be biased in this way but should judge the provision on its merits.

### **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?***

The IHE Student Advisory Board expressed strong support for the inclusion of focus groups where National Student Survey data is unavailable. They highlighted that verbal communication often provides richer insights than quantitative data alone, as it allows for nuance and context that numbers cannot capture. Several members raised concerns about the reliability of survey data, noting that surveys can sometimes misrepresent true student sentiment. This is often because surveys are completed quickly, sometimes during lessons, without sufficient time for reflection. As a result, responses may lack depth or fail to convey the complexity of students' experiences, which can lead to skewed interpretations. While focus groups were generally

preferred for gathering diverse perspectives, members acknowledged that timing plays a critical role in the quality of feedback obtained. If scheduled at inconvenient times or during periods of high workload, participation may be limited, and responses may not fully reflect students' views. If scheduled without due consideration for when cohorts start study students may not feel confidence commenting on their experience. Careful planning is therefore essential to ensure that focus groups are accessible and productive. Students stressed that these discussions must take place in an environment that feels safe and inclusive of all types of demographic, ensuring participants are comfortable sharing their experiences openly and honestly.

IHE members are concerned about comparability of alternative methods for determining students' views, as focus groups and surveys will result in very different feedback. This would not be an issue if an alternate model, appropriate to different provider types, was established, as it could form part of broader more qualitative approaches.

Members also wish to ensure that focus groups will not incur a further cost to them.

There are many different providers where NSS eligibility is applicable to just a small portion of their provision – many who specialise in course of less than one year find this as issue. For instance, pathway providers face a significant disadvantage under the proposed TEF model because they will never have a full set of data. Their students typically progress to partner universities for degree completion, where they undertake NSS and graduate outcomes surveys. These outcomes are attributable to the partner university, not the pathway provider. Unless a model is developed that evaluates only the time spent in study and progression as a marker of success, TEF will misrepresent these providers.

IHE welcomes OfS' recognition that many pathway providers will not have access to NSS data. However, we emphasise the need for clear guidance on alternative mechanisms for capturing the student voice for diverse provision. Approaches such as focus groups must be carefully designed to account for factors including the timing of intensive short courses, language support, students studying abroad in different time zones, and accessibility. Without this, there is a risk of over-weighting feedback from small, unrepresentative samples of students who are with a provider for less than 12 months. This could place a disproportionate burden on these students in their limited study time.

## **Question 9b**

***What are your views on our proposal not to rate the student outcomes aspect where we do not have sufficient indicator data?***

IHE does not support the proposal to leave the student outcomes aspect unrated where data is insufficient with the current model unable to assure providers that no judgement will be made on missing data. We have ongoing concerns about the way in which assessors will react to missing data when forming their judgements. Our members doubted that presenting missing ratings neutrally would avoid negative perceptions. This approach risks misleading students and undermines TEF's purpose as an information tool.

Instead, OfS should offer alternative models, such as provisional TEF status or a qualitative assessment route, allowing providers to demonstrate enhancement activity and contextual factors. The published outcome rating can be adjusted to reflect that this is a different model – for instance provisional TEF ratings. Leaving gaps in ratings creates reputational risk and fails to provide meaningful information to students.

### **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?***

IHE welcomes the continued engagement of students in the proposals. Students support mixed methods for being able to make submissions in formats that were familiar to them through their experiences in higher education. This includes being able to do a recorded PowerPoint presentation to combine text and verbal explanations. Providers reported that those students who wished to use alternatives to written submissions previously were then asked to create transcriptions of recordings – which felt counterproductive for those who had not wanted to make a written submission. Assessors and students submitting should have guidance on what is useful – and assessors should accept these alternative formats.

OfS should also offer clear guidance for providers without independent student unions on how to support independent submissions.

### **Question 10b**

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

Many students in IHE members do not see value in participation for purposes of personal development as the skills demonstrated will not closely align with their career goals. Most specialist provision strongly focuses on industry skills and requires high intensity course structures. Students do not have time to spare in many of these courses.

To increase student engagement in quality-related activities, IHE Student Advisory Board members suggested showcasing tangible outcomes achieved by students from small and specialist providers participating in different regulatory processes. This approach not only validates the time and effort students invest but also motivates others to take part by illustrating the real impact they can have.

OfS should also carefully consider the timing of the TEF assessment to cause as little interruption to study as possible, perhaps offering assessment roles as internships during natural breaks in study.

## **Question 11a**

### ***What are your views on our proposed approach to scheduling providers for their first assessments?***

IHE urges OfS to fully integrate quality models to ensure scheduling does not conflict with other processes examining similar issues. Whole cycle planning and providing more than 12 months' notice are essential to small providers establishing high quality evidence for submissions relevant to the data used.

IHE recommends that the scheduling of initial assessments prioritises fairness and flexibility. If OfS proceeds with proposals to restrict access to DAPs and funding without a TEF judgement, providers with limited or no data should be consulted on their preferred approach – whether to participate with minimal data or face extended exclusion from institutional rights and associated benefits.

Significant institutional events such as mergers, new provision launches, or major governance changes, should defer TEF assessments to avoid distorted outcomes.

Sequencing TEF alongside APP approvals must be carefully managed to prevent duplication and excessive burden, unless APP can be fully integrated.

OfS should publish indicative timelines and adhere to them, enabling providers to plan effectively and maintain financial stability. The cost of the TEF is substantial for some providers, and only allowing a 6-month notification window will not allow sufficient time to set budgets. To avoid this financial burden, we urge the OfS to revisit the model of costs, to create bandings of costs based on student numbers and to embed it within the annual fee.

## **Question 11b**

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

If OfS proceeds with proposals, IHE supports a risk-based approach to scheduling subsequent assessments but urges OfS to incorporate provider choice where appropriate to recognise that risk can be caused to providers by delays in access to TEF.

Institutions introducing innovative provision, such as modular or lifelong learning courses, should have the option to opt into TEF earlier to access associated benefits. Conversely, providers with stable provision and demonstrated strong performance should not face unnecessary reassessment. Flexibility will support innovation and responsiveness to student needs.

## **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?***

A risk register or monitoring tool could be a useful mechanism for the sector. However, to be effective it must be transparently aligned with the Equality of Opportunity Risk Register (EoRR). Without this link, providers lack clarity on what constitutes acceptable practice versus perceived risk, particularly when delivering widening participation initiatives. Contextual admissions, flexible course structures, and foundation year provision are deliberate strategies to meet government access objectives and should not be treated as inherent risks.

The draft risk monitoring tool does not reflect that OfS will use what it already knows about a provider as contextual information. For example:

- High or increasing student-staff ratios may not be a concern if many staff are technical rather than teaching staff.
- Ratios may also be affected if part of the course is integrated into a work placement, reducing the need for teaching staff.

It is also unclear how the proposed risk factor of ratios will be measured for providers in the Approved category of registration who do not submit a staff return.

Recruiting students with very low or no entry qualifications is a hallmark of many IHE members. They do this intentionally through contextual admissions, valuing prior experiential learning as much as traditional qualifications. Many students bring industry experience equivalent to Level 3 qualifications. Our members are widening access and encouraging students into higher education who otherwise would not participate. This cannot inherently be treated as a risk factor.

Furthermore, using UCAS data to determine entry qualifications would be insufficient, as many students (particularly at providers with lower tariff requirements) do not apply through UCAS.

Clear alignment between this tool and the EoRR would ensure these approaches are recognised as positive contributions rather than liabilities. OfS must differentiate between genuine quality concerns and innovation designed to support disadvantaged learners. Without this clarity, providers may scale back innovative models for fear of regulatory scrutiny, undermining progress on access and participation. A well-integrated system should provide guidance on what 'good' and 'excellent' look like in these contexts, enabling providers to innovate confidently while maintaining quality standards.

### **Question 13**

#### ***Do you have any comments about the proposed set of incentives and interventions associated with TEF ratings?***

IHE strongly rejects any model that removes funding from students as a consequence of TEF outcomes. Continuous improvement requires investment; removing funding would undermine quality and limit providers' ability to enhance provision. The proposal is particularly concerning as it indicates that funding could be removed from some providers in the future. Those with profiles identified in the risk monitoring tool are the types of providers most likely to accept students from underrepresented groups – these students need the funds that support their

learning to be protected. IHE welcomes the opportunity to engage further with OfS on this matter as part of their ongoing work on Public Grant Funding allocations, particularly given that the sector is still awaiting follow-up discussions following the 2024 Call for Evidence.

In this proposal OfS argues that there is a need to add 'incentives' because there was no incentives to improvement in TEF2023. This new model is not 'new TEF'; this is an integrated quality model which comes with all the powers and consequences inherent in the current model for B conditions and potentially beyond. OfS should their existing powers as they were intended, to address specific risks in specific providers. There is no justification to apply sanctions as if they are incentives – they are not. The proposals for sanctions outside of TEF Gold or Silver include DAPS and access to funding, both of which are part of registration according to HERA, not benefits for performance above the baseline. They should not be linked to TEF as standard, but we agree that where failure is found, both could be used to prevent risk in DAPs applications, or for a provider failing underrepresented students for example, to access capital funding. The consequences outlined should be for failure and limited to targeted approaches based on evidence from TEF. What an integrated model does is prevent failure from being identified in one model (TEF) and not able to be acted upon until a new assessment is made in another model. A genuinely integrated model would not badge consequences as incentives.

Under HERA, the systems for DAPs and TEF were deliberately designed to serve different purposes and operate independently. HERA's central reforms aimed to open access to DAPs, particularly for new, specialist, or alternative providers, by removing unnecessary procedural barriers such as the historic requirement for long validation track records. Making DAPs dependent on achieving a TEF rating would directly contradict this legislative structure and policy rationale.

TEF was established as a performance-assessment and information tool, to evaluate excellence in teaching, not baseline quality or regulatory fitness – functions that already sit within the OfS registration and quality assurance framework. It was not established as a gatekeeping mechanism for institutional powers, and HERA does not envisage TEF as a compulsory hurdle for institutional rights. Linking DAPs to TEF without clear evidence of failure related to a potential DAPs application would frustrate Parliament's core intention in enacting HERA: to create a diverse, innovative, and competitive higher-education system with fair access to awarding powers based on quality, not legacy provision patterns. TEF should not become a gatekeeping mechanism for institutional rights

The TEF was designed to indicate that all rated providers meet baseline quality standards, and the reputation of the English higher education sector is predicated on the knowledge that the system is high quality by nature. Repositioning the Bronze rating as no longer high quality but a rating associated with risk and restrictions undermines the notion of quality at a systemic level. Bronze should remain an indication of confidence not concern, or it places the reputation of the sector in peril.

There is an associated risk for smaller providers in denoting Bronze as no longer a high-quality indicator, and the proposal to use the lowest aspect rating as the overall outcome. In the system proposed, smaller providers with volatile data who are no longer given a chance to contextualise this will be at risk of lower ratings being attributed due to misunderstanding in the

way that incomplete data should be treated. This was seen to happen in TEF2023 and has not provided IHE members with sufficient evidence the same problem will not persist into the future TEF system. Smaller or specialist providers, which often lack large datasets or operate in niche areas, are more likely to receive lower aspect ratings. This is not because of poor teaching, but because the metrics don't fit their context and assessors do not sufficiently understand their model. Proposing that overall ratings will default to the lower aspect outcome creates a reputational risk for these providers and undermines confidence in TEF as a fair measure.

IHE members face significant challenges in innovating under the current OfS processes. If a provider wishes to join the register, they must wait in a queue; if they seek DAPs, they must wait again. Now, with TEF positioned as a gateway to certain benefits, providers may find themselves in yet another queue, waiting for their assessment cycle to come around. This creates unnecessary delays and uncertainty.

IHE members are growth-focused and committed to supporting government priorities such as widening participation and meeting industry needs. They are ready for rigorous and robust processes, but they cannot wait indefinitely to access opportunities that should be available to all providers. Financial sustainability and sound business planning would be better supported by OfS providing indicative timescales and adhering to them, removing unnecessary variables that hinder innovation.

TEF is being used as an incentive to drive enhancement, but it is not suitable for all providers. Yet the 'incentives' primarily target those actions that smaller providers are most likely to seek such as DAPs, specialist funding, and the ability to grow in hopes of non-suppressed data in the future.

## **Question 14a**

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

IHE supports the intention to publish outcomes as a TEF exercise should serve as information to prospective students to support them in understanding their choices of where to study. It should be noted though that the reputational incentive is most likely to be effective in larger providers where they are present on league tables, and most likely to inform choices of student who are already receiving quality information, advice and guidance (IAG), or applying through traditional routes to study.

IHE agrees that it is in the interests of all stakeholders for the information published by the OfS to be transparent and accessible. We are concerned that by creating a system which inherently disadvantages some providers over others, such as with no published outcomes ratings for many providers in the system, it will be difficult to meet the transparency objective, and nor will information on all providers be accessible even when published.

IHE recommends that published outputs include not only ratings but also commendations and areas for improvement. These provide students with meaningful insights and incentivise providers to enhance provision. Publishing only ratings risks oversimplification and fails to

reflect the richness of TEF assessments. OfS should also consider publishing sector-wide good practice examples derived from commendations to support continuous improvement.

Continuing with annually published indicators will be helpful for the sector to understand how to plan for any upcoming assessments. IHE also supports the OfS' intention to share learning from compliance investigations. Investigations to date have not been useful for informing good practice as they are lengthy and do not build thematically. OfS should note OIA's approach to publishing case notes and summaries as a more accessible example of sharing investigations in the higher education sector.

## **Question 14b**

### ***Do you have any comments on how we could improve the usefulness of published information for providers and students?***

To improve usefulness, OfS should present TEF outcomes alongside clear explanations of data limitations, particularly if proceeding with proposals to include unrated aspects. For providers without sufficient data, alternative indicators or narrative summaries should be published to avoid misinterpretation.

OfS should also take an active role in sharing good practice through case studies and thematic reports, enabling providers to learn from sector-wide innovation. It is particularly important that there is sector derived good practice across the areas on the risk monitoring tool to further understanding of what the regulator expects in these areas identified as higher risk that are also crucial for supporting equality of opportunity.

Events or publications which specifically target providers at different stages of their quality journey would also be helpful. For example, providers in their first round of TEF would benefit from specific insight on the challenges of this and practical insight into what evidence or information TEF panels would find high value enough for the limited submission pages they have. Dealing with small data sets would be another insight topic, similar to the work TASO is currently doing.

## **Question 15**

### ***Do you have any comments on the proposed implementation timeline?***

IHE is concerned that the proposed timeline clashes with other regulatory demands and imposes disproportionate burden on smaller providers who are preparing for in-year data changes. A phased implementation approach is essential, allowing time for providers to prepare if they are to be expected to participate and are likely to have limited data.

IHE members do not have confidence that the OfS will have capacity to undertake the exercise across the whole sector in the timeline outlined. For some, delays could be very costly, if this prevents access to the proposed incentives. Earlier clarity on timelines of assessment for individual providers would better support business planning and reduce uncertainty. This is

particularly important for small providers who are concerned about planning for the costs of the exercise.

## **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?***

The proposal to publish outcomes from both TEF 2023 and the future TEF cycles alongside each other cannot be supported whilst OfS also intend to redefine Bronze as a rating. Of the options presented in the consultation, it is therefore preferable to 'archive' old ratings for the purposes of publication. OfS should also provide detailed guidance on how methodology changes will affect ratings to ensure confidence in the system.

Additionally, IHE recommends that OfS publishes information during the transitional period on when providers will be receiving ratings, along with the outcomes of those that have taken place. Providers need ample notification of indicative assessment years in order to have the opportunity to plan resource. For instance, in the following example Providers A and C have been rated and others are yet to be assessed:

- Provider A - Bronze
- Provider B - TEF2029
- Provider C - Gold
- Provider D - TEF2030

New providers to the register should have a TEF assessment during registration and receive a rating, or for those who have yet to have evidence of data or impact receive a Provisional TEF. This provisional rating would appear as: Provider E – PTEF.

No providers should be prevented from accessing regulatory benefits unless they have failed to meet quality expectations. OfS should have confidence that all providers on the register meet their quality thresholds – and if they do not have this confidence then investigations should be underway.

This approach avoids reputational harm and unfair disadvantage for those new to the register, while maintaining a rating system with transparency for those using TEF for decision-making and information.

## **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?***

As part of the consultation there is no direct question from the OfS on the indicative assessment costs which could be charged for the delivery of TEF. However, this must be

addressed and is included here, as the consultation addresses costs under the section on ongoing development.

The independent evaluation of TEF costs, conducted after the TEF 2023 exercise, indicated that although there was limited data from smaller specialist institutions, achieving higher ratings is significantly more costly than achieving Bronze. The implication is clear: to secure better outcomes, providers must spend more. This creates an even greater financial challenge for the smallest providers, who have lower income and therefore face a higher cost per student compared to larger institutions.

Researchers were unable to draw firm conclusions about the smallest providers due to their low participation in the previous TEF round, leaving uncertainty about the costs they will incur in the next cycle. However, based on the findings, achieving the highest ratings will require additional expenditure, while providers with prior TEF experience will spend less because they already have the necessary foundations and institutional knowledge. For smaller providers with limited income streams, more staff time devoted to TEF preparation translates directly into costs borne by students through tuition fees. Tentative evidence suggested smaller providers had lower absolute costs, but this is not because TEF is cheaper for them, it is because they have fewer resources to begin with. When comparing costs as a proportion of institutional income, or per head for students, the burden on smaller providers is no doubt far greater than for larger institutions.

OfS proposals not only fail to address these costs, they also will exacerbate the issue if there is a standard fee applied across the whole sector. IHE recommends that a more flexible design is used to account for student numbers, in the same way that has happened with the OfS annual fee.

When working to broaden the scope of future TEF exercises, IHE recommends that any measure for PG students based on a new survey takes into account the unknown response rates and general nascency of the survey for use in regulatory decisions. This is outlined further in response to question 3b.

The need for caution on use of new metrics applies to assessments of modular provision, and the need to balance the measurement of quality alongside supporting adoption of modular LLE funded provision by institutions. There will need to be confidence that judgements made about quality are based on suitable metrics or it risks deterring innovation that should support the ambitions for growth.

The regulator should be cautious about using the TEF for ever expanding purposes when IHE and our members already experience limitations in the model. This would become ever more prevalent in, for instance, the area of student support and student wellbeing – students need descriptive information on how they will be supported, not broad-brush ratings that cannot explore support and wellbeing issues across intersectional issues. This would substantially change the nature of the type of assessor that would be needed to form judgements which could be relied on by all stakeholders.

## Question 18

### ***Are there aspects of the proposals you found unclear?***

IHE has identified several areas of the proposals that remain unclear and require further explanation to ensure transparency and confidence in the system.

First, the basis under HERA for creating barriers to institutional rights is not explained, particularly where access to DAPs or higher fee limits appears contingent on TEF outcomes.

This introduces further uncertainty for providers as they attempt to create business plans, as the ability to access higher fee limits could be removed cyclically, and the ability to gain or retain DAPs seems tied to cyclical quality processes without clarity on how this aligns with HERA. The absence of plans to allocate specific timelines for each provider further compounds this uncertainty, making effective planning difficult.

There is also a lack of clarity on how APPs will link to TEF and how conflicts will be avoided between widening participation objectives and the risk monitoring tool.

The impact on small and specialist providers is unclear, particularly whether changes in methodology will disproportionately affect certain types of provision. It is unclear whether there has been any impact assessment of increased regulatory burden on providers who were not previously part of the TEF exercise, or how the costs of participation are justified as proposed.

The process for assessing partnership provision raises questions about how interconnected provision will be taken into account to ensure consistent judgments. For subcontractual providers, the proposals do not explain how they will be incorporated into TEF when they lack equitable access to data needed to monitor performance. It is also unclear how these providers can meet TEF expectations when they do not control key aspects of course design and delivery. Without clarity on these issues, there is a risk of unfair disadvantage and systemic inconsistency in partnership provision.

## 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?***

IHE believes the objectives of this consultation could be delivered more efficiently and effectively through two key approaches. First, the OfS should adopt a method that accommodates differentiation across provider types. A single, data-heavy model cannot fairly represent the diversity of the sector, particularly for small, specialist, or new providers. Differentiated models – such as those incorporating qualitative evidence and enhancement plans – would provide more accurate and meaningful public information on provider performance, while reducing the risk of misinterpretation caused by incomplete or volatile datasets. For providers without sufficient data as they are new to the register, OfS should introduce provisional ratings (PTEF) based on enhancement plans. This ensures transparency and avoids gaps in published information while giving providers time to build robust datasets. Differentiated approaches will be a more effective way to achieve objectives in the consultation.

Secondly, efficiency can be achieved through greater integration of TEF with other quality assessments, such as registration and DAPs applications. Where providers are undergoing registration, TEF judgements could be formed during that process, avoiding duplication and unnecessary delays. Similarly, aligning TEF with DAPs assessments would streamline regulatory activity and reduce burden, while maintaining robust quality assurance. These measures would not only improve efficiency

## **Contact IHE**

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