

OfS Consultations: Student Outcomes & TEF

Initial Briefing Paper, 20 January 2022

Introduction:

The OfS has released a series of consultations to the sector:

1. [Consultation](#) on a new approach to regulating student outcomes
2. [Consultation](#) on the Teaching Excellence Framework (TEF)
3. [Consultation](#) on constructing student outcome and experience indicators for use in OfS regulation

The deadline for responses to the consultation is **17 March 2022**. This briefing note provides an initial overview of the proposals within each consultation and highlights key elements which may impact upon London HE.

Consultation on a New Approach to Regulating Student Outcomes

The focus of the consultation is on the introduction of so-called ‘minimum requirements’ in order to protect students from ‘low performing providers’; protect public money by ensuring that funding is not directed towards providers where students are unlikely to complete their course or achieve positive (financial) outcomes; and ‘maintain public confidence’ in the performance of individual providers and the sector.

Summary

- Minimum requirements for ‘positive student outcomes’ will be set using a series numerical thresholds calculated by reference to sector-wide performance.
- There are three measures:
 - the proportion of students **continuing** on a higher education course;
 - the proportion of students **completing** a higher education qualification; and
 - the proportion of students **progressing** to managerial or professional employment, or further study.
- These minimum requirements will focus on performance in absolute terms rather than benchmarking across the sector. The consultation states that *‘improvements in access and participation can only be meaningful if they are built on a minimum level of quality and standards [...]. This will include taking steps to meet the needs of students from underrepresented groups where those needs are different from other students’ needs.’*
- In line with the wider regulatory approach, the consultation suggests a risk-based approach so that, *‘providers that do deliver positive outcomes for their students, including students from underrepresented groups, will see less regulation in relation to our quality and standards requirements.’* In this sense, they promote the new system as reducing regulatory burden for some (low risk) providers.
- If a provider’s outcome data is not at or above the numerical thresholds, the OfS will make a judgement about whether the provider has nevertheless achieved positive outcomes. The numerical thresholds will not therefore operate as an automatic mechanism for determining compliance with condition B3.
- Contextual information used at this stage will include information the OfS already has access to and additional information provided by the institution. Information which may be taken into account

includes factors that may explain the reasons for a provider's historical performance and *'actions a provider has taken, or will take, to improve its performance, and the extent to which those actions appear credible and sustainable and capable of improving the provider's performance.'*

- Some contextual information is deemed irrelevant including: the mission and strategy of a provider; funding; entry tariff; sustainability; and reputation.
- Indicators will be produced for full-time and part-time modes and apprenticeships, as well as nine 'levels of study'. This will mean each provider having up to 48 indicators, depending on the range of modes and levels of courses it offers.
- There will also be 'split indicators', which disaggregate performance in relation to a specific indicator by time series, subject, student characteristics, course type and teaching arrangements. These are proposed to, *'enable us to identify pockets of provision where a provider is delivering outcomes below our numerical thresholds even though its overall performance is above our numerical thresholds.'*
- Although the consultation recognises that there may be differences in performances between subjects, particularly for progression, there will be a single numerical threshold across all subjects.
- Registered providers will take responsibility for courses delivered in partnership agreements. A separate consultation will look at the additional data required in order to assess student outcomes in this area. There is an acknowledgement that this may deter future partnerships, limit student choice and increase burden but an assertion that this is proportionate.
- Numerical thresholds will be reviewed every 4 years, in line with the proposed TEF assessment cycle. The OfS does not intend to 'ratchet up' the numerical thresholds overtime as minimum requirements are not intended to drive continuous improvement (this is incentivised through TEF).
- All data will be published by the OfS on a publicly available Dashboard. It is proposed this ensures transparency, allows students to make informed decisions, 'protects the reputation of the sector and ensures compliance.
- Regulatory action will not be taken in relation to every provider with an indicator below one or more numerical thresholds each year but instead providers would be selected by a prioritisation exercise. This could be thematic; focus on the most severe breaches by either number or proportion of provider's students or the distance between indicator value and threshold; focus on those breaches related to particular groups of students, where there strongest statistical confidence in the data; or take a random approach.
- Regulatory action may be focused on either the indicator which is below the numerical threshold or look across all the indicators which fall below the numerical threshold across the institution. This is a trade-off between more frequent shorter assessments versus in depth assessments across institutions.
- Regulatory action will take the form of an Improvement Notice, which will specify indicators requiring improvement, require a provider to take actions and/ or require evidence of sustained improvement on relevant indicators.
- A provider's current and previous compliance with the B conditions, including condition B3, would be taken into account in determining eligibility to apply for and retain a TEF award as it may not be considered *'appropriate for a provider to obtain a TEF award that signals 'teaching excellence' if there is or has been a breach of our minimum requirements for student outcomes.'*
- The proposal in earlier consultations to consider gaps in degree classifications as part of condition B3 has been dropped and will instead continue to be measured through Access and Participation Plans (APPs).
- The proposed timeline means changes will come into force in July 2022, the publication of all indicators in September and the identification of providers for assessment by October 2022.

Considerations for London HE

- **Structural Barrers** – the consultation explicitly fails to acknowledge the structural barriers which influence so called ‘positive outcomes’ for students. There is a vast literature on the structural barriers experienced by disadvantaged learners throughout their education which is directly at odds with the assertion in the consultation that, *‘we also consider that a provider has a considerable influence over the outcomes students achieve, and that factors beyond its control are not so extensive as to make it impossible to establish a minimum expected level of performance.’*
- **Progression** – the sole definition of a ‘positive outcome’ being defined in terms of ‘the proportion of students progressing to managerial or professional employment, or further study’ fails to address the concerns raised by providers that the purpose of higher education is broader than employment and employment outcomes are influenced by many intersectional factors (many of which are outside of the influence of providers) and outside the role of providers.
- **Regulatory Burden** – whilst acknowledging that a risk-based approach reduced the regulatory burden for some providers, this risks creating a viscous circle whereby those institutions who undertake the ‘heavy lifting’ of improving social mobility (many of whom are in London) shoulder the greatest regulatory burden.
- **Partnerships** – the increased regulatory burden for institutions delivering higher education in partnership with other providers, often in areas of high deprivation, low social mobility and fewer alternative options for students risks inhibiting further partnerships. This is acknowledged but not addressed in the consultation.
- **Disincentivising Access and Participation** – the above points all reinforce the argument that providers who make the greatest contribution to the access and participation agenda risk being penalised for their efforts. This may act as a disincentive for institutions to recruit students from underrepresented backgrounds.
- **Small Specialist Providers** – this may disproportionately impact upon small, specialist providers with very small cohorts of students who may not progress onto conventional graduate work, yet are considered world-leading.

Consultation on the Teaching Excellence Framework (TEF)

Summary

- The future TEF that is proposed is **provider-level only**; it is not proposed to take forward a subject-level TEF.
- The plan is to revert to the original name of the TEF and abandon the full title of ‘Teaching Excellence and Student Outcomes Framework’ as it is known at present, acknowledging this is lengthy, does not match the acronym and causes confusion.
- Future TEF awards will be based on two criteria namely “student experience” and “student outcomes”:
 - Student Experience focuses on a provider’s teaching, learning, assessment and the “educational environment”.
 - Student Outcomes focuses on the extent to which students succeed in and beyond their studies and their “educational gains”.

- The assessment process behind the awards will be based on a mix of qualitative and quantitative evidence including:
 - Evidence submitted by a provider (with a **new limit of 20 pages** – up from the current 15);
 - Evidence submitted by students (**optional** and **limited to 10 pages**); and
 - Indicators produced by the OfS (NB: For the Student Experience criterion, these indicators will be **based on the NSS**).
- Each of the two TEF aspects will be underpinned by a set of “features of excellence” which describe in more detail the specific features of each award. These are set out in Annex B of the consultation starting at p.73. (NB: The OfS stresses that it is not their intention that the features should be treated as exhaustive, as they do not want to stifle innovation or constrain how a provider might demonstrate excellence).
- It is proposed that a rating should be awarded for each of the two aspects as well as for a provider overall and that all these ratings would be published. So:
 - The features will be judged on two levels namely: “outstanding quality” or “very high quality”. This approach is intended to ensure that the TEF assessment can differentiate degrees of excellence above the proposed OfS’s minimum requirements.
 - The overall **Gold, Silver and Bronze provider rating categories remain unchanged**, as they “represent a well-understood hierarchy”. However, there is now a **fourth category of ‘requires improvement’** for those providers that aren’t deemed to demonstrate excellence but meet baseline conditions of registration.
- The awards would last for **four years**, supposedly to minimize burden on providers.
- The new timings for the next TEF are as follows: the plan is to open the submission window in September 2022 to announce outcomes in spring 2023. That means the submission window for providers would close in mid-November 2022.

Considerations for London HE

- The proposal to use Student Outcomes indicators based on the NSS will be of concern to London providers, whose students typically report lower satisfaction levels due to the pressures of big city life, so providers in the capital could be at a disadvantage.
- The new award category of “requires improvement” means there will be a greater range of outcomes compared with the previous iterations of the TEF, so those institutions previously at the lower end of the Bronze level are at particular risk of being judged to move down to the new fourth category if they cannot demonstrate significant improvements.
- The new four-year TEF cycle is pitched at minimising the bureaucratic burden on providers. However, as it also means a provider will hold an award for longer, the pressure will be high on providers to achieve the highest TEF award possible for their institution in every new TEF round, putting extra strain on staff.
- The plan to open the TEF submission window in September 2022 will make for a high-pressure start to the new academic year, which could put added strain on already-stretched staff who are already set to be dealing with the third academic year under the uncertainty of Covid.
- The proposed flexibility of the features mean that providers have a chance to make the case for their excellence in the provider submission, arguably adding more weight to that element of the exercise.

Consultation on a Constructing Student Outcomes and Experience Indicators

This consultation is not concerned primarily with the proposed regulatory thresholds (the focus of the consultation on regulating student outcomes) nor with how outcomes or experience indicators are used

in arriving at TEF ratings (the TEF consultation). The focus of this consultation is on the technical aspect of the outcomes; how they are constructed.

Summary

- The consultation proposes a continued use of the indicators that currently inform assessments of condition B3 and TEF awards, and of the regulation of access and participation, with some changes:
 1. ‘Measures of continuation, completion and progression’ – i.e. student outcomes indicators – are proposed as the continuing basis for assessments of condition B3.
 2. TEF assessments will draw upon both student outcomes and student experience indicators (measures of continuation, completion, progression, and student experience)
 3. Regulation of access and participation will continue to use access and outcomes indicators (‘measures of access, continuation, degree outcomes and progression’)
- The consultation proposes the introduction of a completion measure alongside continuation.
- It proposes to measure progression using data from Graduate Outcomes (for which data exists for two cohorts currently – 2017-18 and 2018-19) as opposed to DLHE.
- International students do not feature in the A&P data dashboard student populations, but they *do* in some of the populations used to assess B3/make TEF awards. The proposal is to exclude them from the calculation of progression measures, with a commitment to review this in future.
- It proposes to continue with an update of the existing A&P data dashboard in spring 2022, then publish another version later in 2022 following consultation on these measures

Considerations for London HE

- **Narrow Definitions:** The proposed progression measure in particular is very narrowly defined in terms of entry to professional/managerial jobs (i.e. SOC 1-3). It does not account for students’ own views about their post-HE destinations, nor does it capture the distance travelled for students from different backgrounds entering higher education. For some, a positive outcome upon graduation will depend less – or not at all – on whether they enter highly-skilled employment.
- **Modular HE / Suitability for Lifelong Learning:** The outcomes presented here would not be fit for purpose in a more modular system of higher education. As the consultation acknowledges (p.56), in such a system it would be necessary to understand student transfers at a much more granular level than is currently possible in order to make informed judgements about module outcomes and whether or not they are positive.
- **A Lack of Context:** Though there is repeated acknowledgement in the consultation of the ‘context’ in which providers operate, this is only really taken into account in the form of benchmarking. The focus of the proposed regulation is weighted heavily towards consistency of standards; this fails to recognise the situatedness of providers in their local areas and the regional distinctiveness of the student outcomes they deliver.
- **Local Skills Priorities:** The proposed progression benchmark draws on ‘geography of employment and earnings’ quintiles but the reality of how higher education institutions help to deliver local skills priorities is much more complex than this.
- **Intersectionality:** The OfS does not propose to report on student characteristics via the A&P dashboard in multivariate form. Data by ABSC quintile will be collected but that does not give a handle on specific intersections between student characteristics. These would be beneficial for demonstrating how providers are performing when it comes to addressing regional outcomes gaps.

In London, for example, providers may wish to understand rates of BAME working class student progression from creative subjects given the underrepresentation of this group in the capital's creative industries.

Further Information:

If you would like to discuss this briefing note further or require any further information, please contact Sally Burtonshaw, Senior Policy and Advocacy Officer at London Higher on sally.burtonshaw@londonhigher.ac.uk