



The Office for Students consultation on the future approach to quality regulation – QAA response

Question 1a – What are your views on the proposed approach to making the system more integrated?

QAA has considered the consultation proposals not only as an expert quality agency but also as the body undertaking quality assurance and enhancement activity across Scotland, Wales and Northern Ireland.

We support the overall direction of travel and welcome the intention to make the quality system in England more integrated. As B3 investigations and TEF constitute the largest pillars of quality regulation in the current system, it makes sense to start with these aspects.

We do, however, have several overarching recommendations:

1. **We recommend ensuring that the design properly reflects the exercise's intended enhancement purpose:** the proposals suggest combining the B3 investigations and the TEF, which would enable the proposed exercise to cover both accountability and enhancement. However, it is unclear whether the new TEF will achieve its enhancement aims. The consultation document states that the OfS “want[s] a system that helps to drive quality improvement across the sector” and notes the Behan review’s recommendation for a greater enhancement focus. However, several factors limit the proposals’ effectiveness in delivering enhancement. The proposals to limit contextualisation, focus on few select data indicators and use the lowest aspect rating to determine the overall rating all emphasise accountability to the detriment of enhancement.
2. **We recommend removing punitive measures that undermine the spirit of enhancement:** the existing proposals rely heavily on punitive measures, creating a culture of caution, not enhancement. Linking performance to funding and student number caps significantly increases the stakes for providers taking part. When the consequences of a rating may be existential, providers will be inclined towards self-preservation and may become reluctant to undertake innovation for fear of failure. This caution will risk stagnation across the sector.
3. **We recommend further consideration is given to how the exercise will accommodate the diversity of the sector:** by expanding the scope to all registered providers, the new exercise will apply to small, specialist and college providers. However, beyond the initial proposals regarding student input and data thresholds for publishing student outcome ratings, the ability of these providers to engage effectively is still underdeveloped. It is crucial that the OfS further engage with these parts of the sector to better understand and adjust accordingly to any unnecessary challenges.
4. **We recommend OfS considers which further changes might be necessary to support England on its journey back to ESG compliance:** the proposals risk maintaining England’s status of non-compliant with the European Standards and Guidelines (ESG). As an ESG-compliant agency with direct experience of scrutiny by



ENQA and EQAR, our view is that the proposals in their current form will not be considered compliant with the ESG, locking the English sector into a system which contravenes the government's commitments under the European Higher Education Area. Our understanding is that delivering an ESG-compliant system need not cost more than the estimates included in the consultation document should changes be made to more closely align the system with the ESG.

5. **We recommend closer consultation specifically with Students' Unions and students to avoid negative impacts of the proposals:** it is our view that students will ultimately lose out in the proposed system. Driving behaviour through student fee caps limits providers' ability to invest in quality, creating a downward spiral in the student experience. Students' Unions risk their positive feedback being used to justify higher fees for future cohorts, raising concerns for prospective students. This could lead to a stratified sector where those worried about debt choose "lower quality" providers, further harming the experience. It is therefore questionable whether these proposals truly serve students' interests.

Question 2a – What are your views on the proposal to assess all registered providers?

It is right that all registered providers are in scope. However, the design of the approach poses significant difficulty when applying it to the diverse range of providers in England, for example small and specialist, or PG-only. Beyond the initial proposals regarding student input and ratings for student outcomes, the experience and ability of these providers to engage is still underdeveloped. This risks significantly disadvantaging smaller, specialist and college providers, many of which will be engaging with the TEF for the first time. It is crucial that the OfS further engages with these groups to better understand and address concerns about their ability to engage effectively. Elements that would better support them should be incorporated into the design of the exercise.

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?

There are lessons OfS can learn from QAA's work across the UK nations. Not all mechanisms we use to accommodate smaller providers will be appropriate in an English context. However, they do provide clear examples of how agility can be embedded into a review exercise. The OfS should implement appropriate mechanisms within TEF.

For example, the Tertiary Quality Enhancement Review in Scotland applies to all tertiary education bodies in Scotland that are fundable by the Scottish Funding Council. For the first time, this means further education colleges are reviewed by QAA. Although the Scottish sector is smaller and less diverse than the English, the review method must still encompass a broad range of providers. Several mechanisms are used to enable smaller providers to participate effectively, including:



1. Initial exploration of appropriate tailoring at the providers scoping meeting ahead of review;
2. Clarity on which review topics and questions will be context-dependent;
3. Enabling all providers the opportunity to provide comment on the factual accuracy of the report
4. Reviewing providers against only the applicable responsibilities e.g. for providers without degree awarding powers, managing provision with awarding bodies would be looked at, rather than the setting and maintenance of academic standards.

In QAA's Educational Oversight Review, providers are actively encouraged to use their self-evaluation documentation to clearly define their individual context and its impact upon how they meet the defined criteria. The review report also includes a summary of the provider's context, where relevant, to ensure the basis on which judgements are made is clear. Regarding student engagement, our expectation is that the selection of students who input to be the responsibility of the student representatives and students' unions. Training and support for reviewers is designed to ensure a full and complete understanding of individual provider contexts. Providers can deliver feedback on their reviewer's ability to understand their individual context.

The common thread throughout these mechanisms is flexibility. We therefore recommend OfS continue to consult with small and specialist providers on proposed ways to bake in flexibility to the new approach.

Question 3a – Do you have any comments on what provision should be in scope for the first cycle?

QAA welcomes the consideration of partnership provision as part of the TEF. Providers retain responsibility for programmes they award wherever they are taught, and this should be reflected in quality regulation.

We recommend that OfS provide much greater clarity as to how partnership provision will be assessed and the impact it will have on a provider's overall rating. For those with multiple partnerships, it is unclear how they will be fairly weighted to account for potential variations in performance. It is also unclear whether the approach to partnership provision will be solely data driven, or whether a provider (or their partner's) submission may impact the rating given.

We support the principle that the framework should evolve over time to include TNE, but highlight that OfS will need to consult deeply with international stakeholders to understand how that will need to be developed in order for the regulatory system to provide the right kind of information needed by stakeholders around how TNE is regulated and quality assured. The approach to the regulation of TNE must be context-sensitive and flexible, working closely in partnership with regulators overseas to ensure comparability of outcomes and experience while respecting the laws and regulations of the host countries and territory.



Question 3b - Do you have any comments on the proposed approach to expanding assessments to include taught postgraduate provision in future cycles?

QAA welcomes the OfS expanding the scope to taught postgraduate provision in recognition of the growing numbers of this provision and the remit of the OfS to regulate on behalf of all students studying in higher education. It is not clear, however, why postgraduate provision would be rated separately from undergraduate provision when other splits such as subject, partnership provision, modes of study, are not. If the OfS moves forward with proposals to assign one rating for all provision, there is no clearly articulated rationale in the consultation to rate PG separately from UG provision. We therefore recommend a clear justification for why PG might be rated separately from UG, despite the absence of intention to do so for other 'splits'.

Question 4a – What are your views on the proposal to assess and rate student experience and student outcomes?

QAA agrees with maintaining the two broad aspects of student experience and student outcomes. We also support the proposal for greater integration and alignment with the requirements of the B conditions to provide a clearer overview of quality and a more cohesive approach.

It is disappointing to see that the focus of enhancement in the exercise, however, will be incentive and intervention based, rather than highlighting a provider's own continuous improvement activity. While we acknowledge the concern about burden, our own analysis of TEF 2023 provider submissions found that providers discussed their own enhancement activity unprompted as a reflection of their own activity. Without encouraging this, the exercise cannot hope to help foster a broader culture of enhancement within institutions.

The language used in the consultation also continues a significant demarcation between England and the other UK nations. The concept of "rating" providers is distinct from the methods in the devolved nations, which focus more on the formation of a judgement.

We support the proposed exercise having a dual purpose of accountability and enhancement. These proposals, however, are presented as achieving both but are instead driven by accountability. We recommend OfS establish clarity on this to develop a coherent approach.

Question 4b – Do you have any comments on our proposed approach to generating 'overall' provider ratings on the two aspect ratings?

QAA shares the concerns of many in the sector regarding the change of the Bronze rating to mean meeting minimum quality requirements rather than indicating quality above the minimum requirements. This does not fit with OfS's broader approach of regulating to the baseline and does not meet the dual purpose of both accountability and enhancement. There is significant risk of stakeholders – particularly internationally – comparing previous



ratings to future ratings and drawing incorrect conclusions about a provider's improvement or decline. For example, a provider which previously received a Bronze rating, denoting "high quality," but which then receives the same rating in a future exercise indicating that it is only "meeting minimum requirements".

Using the lowest aspect rating to produce the overall rating also leads to a loss of nuance. It fails to recognise the diversity of strengths across the sector and the different methodologies being used to determine each aspect ratings. Because a Bronze or Requirement Improvement rating can carry serious financial consequences, making defaulting to those ratings easier than it is in the current exercise would need to be very clearly justified.

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?

QAA welcomes alignment with the relevant B conditions of registration and the broadening of metrics used in this rating. We are, however, concerned about the limitations placed on the inclusion of B4 (only including the "effective assessment" condition). The consultation document does not set out a clear rationale for doing so. Recent OfS investigations have found concerns in this area, demonstrating why it is important to ensure providers have the right systems in place to maintain academic standards, so it is unclear why all B conditions would not be incorporated into this exercise. For the model to represent a cohesive, integrated quality assessment, it should cover all the relevant B conditions.

Question 5c – What are your views on the evidence that would inform judgements about this aspect?

QAA welcomes the inclusion of indicators based on the "Learning opportunities" theme of the NSS.

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?

QAA supports the changes to the progression indicator. The principle of making it more nuanced with additional indicators is helpful, as is the removal of the threshold. Using a salary measure could have undesirable consequences in the long term. However, if the OfS moves ahead with a salary measure, it must include regional weighting to reflect salary variations across the UK. Subject would also need to be included in benchmarking given different salary norms for different subject areas. We welcome the proposed addition of including graduate ratings of how far graduates are using the skills learned in higher education to bring a perspective to the progression indicator that is not solely based on getting a well-paid job.



We do, however, have significant reservations about the limits being placed on contextualisation. As the scope extends to all registered providers, the need to contextualise becomes more pertinent to provide an agile and flexible exercise that reflects the diversity of the sector. And while data is valuable, the complexity of higher education does not lend itself to a reductionist approach reliant solely on metrics.

If a core aim of the TEF exercise is to drive enhancement, limiting this contextualisation also undermines the premise. It will incentivise providers only to engage in activity that will be borne out a small selection of data indicators during a specific timeframe, when creating a broader culture of enhancement and encouraging continuous improvement is crucial to a sector that can meet the developments of the modern world. This also diverts attention from the broader consideration of the student experience, which can pose significant challenges to Students' Unions when trying to gain institutional traction on issues that sit outside a narrow set of metrics. It is difficult to understand the merit of this proposal.

Limits around historical data will make more sense when the OfS reaches the point of collecting in-year data which offsets the current lag. At present, however, providers will have their own, up-to-date, internal data that may show improvements to indicators have already been made. We appreciate the issues around comparable methodology in determining internal measures and the additional burden on assessors in having to determine if internal data is valid, but it seems counter-intuitive not to be allowed to demonstrate an improvement that has already been made. Instead, the proposed exercise measures the quality from several years ago, not present quality. It is in the student's benefit to make it as easy and attractive as possible for providers to improve the quality of their provision.

We therefore recommend that the OfS reconsider its approach to contextualisation, and instead enable providers to share activity that demonstrates enhancement that has not yet manifested in the indicators, or justifiably explains their performance in those indicators.

Question 7a – What are your views on the proposed approach and initial ratings criteria for the student outcomes aspect?

QAA is concerned about the removal of student input from the student outcomes aspect. It remains unclear why students, who are experts in their own experience, will not have useful insight to share regarding the impact this has on student outcomes. If student outcome metrics are considered indicative of quality – as the OfS's framework indicates – then students must be able to input their views.

While we understand the reasoning behind removing educational gain as a compulsory element of the exercise, this does somewhat undermine the extensive effort from the sector in the last TEF 2023 exercise and the arguments that have been routinely made, including by the regulator, about the value of this measurement. It is also at odds with the government's latest proposals in the post-16 white paper, where they discuss introducing a measure similar to that of Progress 8 in schools. Unravelling much of the progress made in



this regard may therefore be setting the sector up for a much more standardised, reductive measure in future.

Question 7c – What are your views on the proposal to consider a limited set of contextual factors when reaching judgements about this aspect?

As discussed in response to an earlier question, we support broader contextualisation and do not think it wise nor effective to introduce limitations that will inevitably disadvantage certain parts of the sector.

Question 8a – What are your views on who should carry out the assessments?

QAA is strongly opposed to the inclusion of OfS staff members as assessors in any quality exercise. Including OfS staff as assessors would undermine the principles and independence of peer-review, academic judgement and be out of line with decades of internationally accepted good practice. It would also significantly undermine the effectiveness of any exercise, which would require academic judgement to deliver a valid, credible and authoritative judgement.

This is a principle we apply to our own review methods. Throughout QAA's past and current review experience, QAA staff are not considered "peers" as it relates to review. QAA officers act as review managers who oversee the process but are not and would never be a member of the review team. The European Register is also clear on this point – involving staff as assessors would prevent the OfS from being compliant with the European Standards and Guidelines. We encourage the OfS to use the term "peer review" in any future documentation to demonstrate the commitment to it.

We welcome the inclusion of student assessors and the plans to expand the relevant pool of them. It is important they are remunerated the same as any other assessor. We also recommend enabling, and indeed encouraging, assessors to remain in the assessor pool for longer periods to build continuity in understanding. Implementing periods shorter than the review cycles prevents accumulation of knowledge, understanding and experience, and undermines consistency across rolling assessments.

Question 8b – What are your views on only permitting representations on provision rating decisions of Bronze or Requires Improvement?

QAA believes representations should be enabled for all providers. While we acknowledge that the consequences of achieving Bronze or Requires Improvement are much more severe than those for Gold or Silver, it undermines the credibility of the system not to allow representations to be made by all who take part.



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?

We are wary of endorsing the proposed approach because of the distinct lack of detail. More detail must be provided on how these alternative mechanisms will be organised and what efforts will be made to ensure they are representative. The current proposal does not feel equivalent to NSS indicators – there's more chance in a meeting or focus group to contextualise responses. OfS must work with small, specialist providers to understand how this will manifest in practice. It could fundamentally undermine their performance in the exercise if not done well. To maintain peer-review, it is also crucial that these focus groups or meetings are conducted by assessors, not OfS staff. This is vital in creating the right power-balance within those engagements to allow students and Students' Unions to be honest without fear of reprisal.

We support the proposal to consider ways of increasing the coverage of the NSS, for example through reducing the response rate. Graduate Outcomes response rates are now below 40% overall and the data is still used for TEF/B3. Lowering the NSS response rate threshold from 50% to 40% could aid in this.

Missing from the OfS proposals is also engagement with student representatives, as well as individual students. We are concerned that Students' Unions are not mentioned in the consultation document, and encourage OfS to clarify their intention around engaging with Students' Unions, and their representatives, as part of this exercise.

Question 9b – What are your views on our proposal not to rate the student outcomes aspect where we do not have sufficient indicator data?

We understand the limitations on presenting a student outcomes rating in some cases and, if it is clear what the reasons for this is and it is done well, we recognise the value in doing so.

However, there is no information within the consultation proposals about providers which do not have sufficient student outcomes **or** sufficient NSS data. In these cases, providers could theoretically be rated on the basis of an alternative student engagement mechanism and their provider submission. Should they receive Gold as their overall rating, that would be the extent of oversight for five years.

Ultimately, these limitations are indicative of the fundamental flaw of a quality exercise that is too reliant on quantitative data to capture the current experience of quality at all providers. This further highlights the significant flaws in the proposals to limit the provider's ability to contextualise its data.



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?

We are wary of endorsing the proposed approach because of the distinct lack of detail. More detail must be provided on how these alternative mechanisms will be organised and what efforts will be made to ensure they are representative. The current proposal is not equivalent to NSS indicators – there's greater opportunity in a meeting or focus group to contextualise responses. OfS must work with small, specialist providers to understand how this will manifest in practice. It could fundamentally undermine, or unduly advantage, their performance in the exercise if not done well. To maintain peer-review, it is also crucial that these focus groups or meetings are conducted by assessors, not OfS staff.

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Question 11a – What are your views on our proposed approach to scheduling providers for their first assessments?

We believe there are risks in the scheduling of providers for their first assessments that must be mitigated. As with all new systems, providers which are involved first are at risk of being penalised by a system that is not yet well understood and perceptions may vary. As such, the OfS must be particularly careful with the early implementation of the reformed TEF and must embed mechanisms to allow for necessary pivots or wholesale changes. We support calls from others in the sector for a pilot year, or would recommend a prolonged implementation timeline to accommodate this.

QAA recommends that OfS undertake consultation with international stakeholders (if this has not already happened) to better understand the impact on international perceptions for providers involved in the first round which receive lower ratings, where the public information about the quality of English providers may appear negatively skewed.



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?

We support the proposals to consider staff-student ratios (SSRs) where they are either unusually high or there are sharp increases when taken as one part of a wider picture. This must, however, be considered at subject level or consider the subject mix of a provider to be truly reflective of a risk to quality. SSRs are limited in what they can indicate regarding quality and are influenced by the varying levels of independent study in a programme's design.

It is also unclear how partnership provision will be included. Staff data is often unavailable for partners, and it does not make sense to include the partnership students in the lead provider's SSR. If providers are going to be assessed against this in terms of risk, they will understandably need the detail.

Question 13 – Do you have any comments about the proposed set of incentives and interventions associated with TEF ratings?

QAA has significant concerns about the proposed incentive-based approach. Incentive systems tied to TEF ratings risk undermining genuine quality improvement and enhancement. They encourage providers to conceal weaknesses rather than openly address them, as the consequences of disclosure may be existential. Linking fees or student number caps to quality ratings does not create a culture of improvement; it creates a culture of secrecy and defensiveness.

There is also a deeper methodological issue present in the proposals around incentives. These systems reinforce the status quo: institutions already performing well are rewarded, while those struggling are penalised, making it harder for them to improve. Bronze-rated institutions face more frequent scrutiny and shorter cycles to attempt and deliver improvement, while Gold-rated institutions face periods of stability to consolidate their position. This dynamic entrenches inequality rather than raising the overall quality of the sector. Institutions serving widening participation cohorts or focusing on subjects with higher risk profiles are disproportionately disadvantaged, regardless of the quality of their enhancement work.

The unintended consequences are clear: providers may avoid or even potentially cut areas of provision that could jeopardise their rating, such as apprenticeships (with lower completion rates) or innovative but uncertain initiatives like the Lifelong Learning Entitlement. This distorts institutional priorities away from student experience and sector-wide enhancement. The OfS's own commissioned research shows that punitive approaches do not encourage improvement but instead suppress openness, experimentation and self-evaluation. We would recommend OfS incorporates this learning into the continued development of the integrated quality model over the coming months.



An alternative approach is taken in Scotland. There is a clear cultural element in the TQEF and within Scotland's tertiary education sector that supports enhancement activity. Scotland's Tertiary Enhancement Programme, rather than an incentive or punitive approach based on review outcomes, supports the drive for the enhancement of the learner experience across the sector. Effective enhancement and evaluation requires the ability and safety to identify where an institution needs to develop their practice and identify potential ways forward without fear of punishment. Scotland's 'no surprises' approach creates a culture of trust and shared confidence amongst Scotland's institutions, QAA and SFC. Where significant risk is identified, as seen in the current concern, this can and will be escalated through the appropriate channels. Ultimately, this approach gives the sector, QAA and the funder/regulator body the confidence that issues will be identified, raised and ultimately rectified through a collaborative approach. An incentive-based system doesn't create a culture of enhancement and effective self-evaluation, it creates a system that encourages institutions to hide the areas where they are struggling.

Ultimately, it is students who will lose out under OfS' proposed approach. It hampers a providers' ability to invest in improvements to the student experience, locking students into a downwards spiral of poor quality. It also puts Students' Unions in a difficult position where their positive feedback to the provider through routes such as the NSS could be used to increase tuition fees for future cohorts; something that is a significant concern for prospective students. There is a risk of a stratified sector, where prospective students who are worried about tuition fee 'debt' opt for 'lower quality' providers, potentially leading to a poorer student experience. It is debatable therefore whether these proposals are truly in the student interest.

Question 14b – Do you have any comments on how we could improve the usefulness of published information for providers and students?

We welcome the principle of publishing outputs from quality assessments, as is in line with internationally agreed good practice. It is important that students, domestic stakeholders, and international stakeholders have the ability to find the latest 'quality information' about a particular provider at any one time. In particular, this supports the formation of TNE partnerships by supporting due diligence processes of overseas partners.

We also welcome the emphasis on publishing thematic analysis as part of the quality assessment outputs. This is not only important and helpful for the sector, but also necessary to ensure compliance with the European Standards and Guidelines (ESG). Thematic analysis provides valuable insights into sector-wide trends and challenges and helps institutions learn from each other's experiences. As well as thematic analysis, in Wales we invite each provider that has gone through a review to provide a good practice case study which is then shared with the wider sector.

The proposals to publish thematic analysis highlights an opportunity for the OfS to work more closely with QAA. While it can be difficult for a regulator to share good practice without



appearing directive, this is a core strength of QAA's work as a sector agency. Stronger alignment between OfS and QAA in this area would enhance the usefulness of published outputs, ensuring that support providers to move beyond compliance and actively enhance their provision.

Common practice in the devolved nations is to publish to an established process timeline. We do not batch upload reports or delay their publication. Doing so would risk advantaging or disadvantaging certain providers depending on when their report is released. We recommend the OfS articulate the timeframe following the exercise that reports will be published.

Question 15 – Do you have any comments on the proposed implementation timeline?

The proposed implementation timeline is very short. Once the final indicators and parameters of the exercise are confirmed, providers engaged in the first round will not have sufficient time for any activity to impact their data (and the limits on contextualisation hinder this further). Based on the timelines in the consultation document, continuation data will cover until year of entry 2024-25, completion to year of entry 2021-22 and Graduate Outcomes to 2024-25 graduates. This means that outcomes indicators are essentially already determined – no action taken between now and submission would be eligible to be included. Providers will similarly only have, at most, one year left to influence NSS indicators. As the indicators are similar to the previous TEF exercise, providers will have been working to improve these, but the limits on contextualisation mean that changes made in response to the last TEF exercise that have not yet manifested in the data will not have chance to before they are assessed.

For future cycles, we do not consider six months sufficient time to adequately prepare for the exercise, particularly for providers of a smaller size. In Scotland, for example, providers learn which year they will be reviewed at the start of the six-year cycle and receive more specific dates the year before they are due for review. It is not unreasonable for the sector to expect the OfS to set out which providers will be involved in which rounds at the outset, particularly for the first cycle where the OfS will not need to accommodate varying timeframes between reviews.

Question 18 – Are there aspects of the proposals you found unclear? If so, please specify which, and tell us why.

There is a lack of clarity on how split indicators will be taken into account - proposal 1 references needing consistently high or outstanding quality for **all** groups of students to receive a Silver or Gold rating but, in proposal 5, there's an indication that lower quality student experience for some parts of provision could be allowed without affecting the overall rating (paragraph 82). Does a split have to be a certain proportion of the provision for it to affect the rating? If a provider has sufficient data at the overall level to receive a rating but it



is not possible to break the data down to a more granular level, will the overall level alone be enough to rate the provider? This needs greater clarity.

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?

Delivering enhancement

QAA's overriding concern with the proposals is their limited ability to achieve the first stated aim of the quality system:

1. Ensure that students from all backgrounds benefit from high quality and continuously improving provision, through:
 - a. Supporting and encouraging providers to deliver the highest levels of quality for their students.
 - b. Creating incentives and intervening to drive improvements where quality is not high enough.

As set out, the proposals fail to successfully balance the dual purpose of accountability and enhancement. Instead, they describe a potentially punitive, compliance driven system without the aspects necessary to build a broader culture of enhancement. In particular, the “incentive” mechanism, the limits on contextualisation and the blunt tool of rating via the lowest aspect rating all risk embedding a compliance approach across providers.

In comparison, the TQEF in Scotland is designed with an expectation, clearly articulated in the SFC's Quality Guidance to institutions, that all institutions are actively engaged in enhancement activity through Scotland's Tertiary Enhancement Programme (STEP) and ongoing, annual assurance/enhancement reporting via ILMs and Self-Evaluation and Action Plans (SEAPs).

As discussed in answer to a previous question, STEP supports the drive for the enhancement of the learner experience across the sector. Effective enhancement and evaluation require the ability and safety to identify where an institution needs to develop their practice and identify potential ways forward without fear of punishment. Scotland's ‘no surprises’ approach creates a culture of trust and shared confidence amongst Scotland's institutions, QAA and SFC. Where significant risk is identified, as seen in the current concern, this can and will be escalated through the appropriate channels. An incentive-based system doesn't create a culture of enhancement and effective self-evaluation; it creates a system that encourages institutions to hide the areas where they are struggling. We recognise the distinction between the SFC approach as a funder-regulator and the more traditionally regulatory approach taken by OfS which means a complementary, supportive mechanism alongside the TEF is less appropriate. This is where there is opportunity for OfS and QAA to work more closely where QAA is the body responsible for supporting providers to enhance quality, and OfS is the body that monitors and regulates this quality.



Enhancement driven systems can still be suitably risk-based and focus on providers or areas of provision where there are concerns. For example, in Wales, there is a five-year cycle (which is soon expected to move to six years). There is, however, flexibility to bring reviews forward or conduct partial reviews if there are concerns. Negative outcomes to reviews are required to go through a follow-up process which may result in an amended, positive outcome after one year. Between reviews there are two touch points: monitoring of action plans and a later one focussing on enhancement in the build-up to the next review.

Compliance with the European Standards and Guidelines (ESG)

It is our view, as an ESG-compliant agency with experience of operating a variety of ESG-compliant systems, that the proposed system appears to be non-compliant with the European Standards and Guidelines (ESG), thereby consolidating the Westminster government's position in continued breach of its commitments to the European Higher Education Area. Our understanding as an ESG compliant agency is that the costs of delivering a compliant system should not be above those estimated in the consultation document.

Per this understanding, we consider the proposals to be non-compliant in several areas:

1. **ESG: 2.1: external quality assurance should address the effectiveness of the internal quality assurance processes described in Part 1 of the ESG.** We do not believe that the proposed alignment with the B conditions sufficiently addresses all aspects of Part 1. The OfS would need to map the student experience aspect to Part 1 and addressed any gaps. Given the scope of the new exercise, this approach has the potential to streamline some aspect of the proposals and better integrate the various aspects the new exercise seeks to cover.
2. **ESG 2.3: external quality assurance processes should be reliable, useful, pre-defined, implemented consistently and published. They include a self-assessment or equivalent; an external assessment normally including a site visit; a report resulting from the external assessment; a consistent follow-up.** The provider submissions have the potential to meet the criteria of a self-assessment or equivalent, but the punitive consequences for certain ratings limits the extent to which they can enable true self-reflection. The proposals explicitly exclude the option of site visits (and exclude relevant B conditions which would require one). Without requirements to provide evidence for their self-assessment, independent verification is difficult to achieve. The lack of information about follow-up activity, including the potential interventions proposed for providers that receive a Requires Improvement or Bronze rating also raises compliance issues.
3. **ESG 2.4: external quality assurance should be carried out by groups of external experts that include (a) student member(s).** The suggestion that OfS may be appointed as assessor is contrary to this standard of peer-review experts.
4. **ESG 2.6: full reports by the experts should be published, clear and accessible to the academic community, external partners and other interested individuals. If the agency takes any formal decision based on the reports, the decision should be published together with the report.** The lack of detail for publication timelines and consequent decisions is not in line with this standard.



5. **ESG 3.4: Agencies should be independent and act autonomously. They should have full responsibility for their operations and the outcomes of those operations without third party influence.** The authority of the Secretary of State to appoint members of the executive calls into question this independence.

The ESG are currently undergoing reform. The structure of the standards cited may change, but we do not expect the principles they are based upon to evolve significantly. We are concerned that expectations that this reform will bring England into greater alignment may be misguided.