

CONSULTATION RESPONSE

Office for Students: proposed future approach to quality regulation

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Introduction

The Office for Students is currently consulting on 15 proposals for a new approach to assessing and improving provider quality. As detailed below, these new proposals include the use of new sources of data for assessment, new approaches for grading provider quality, a new cyclical approach for provider assessment and new incentives attached to achieving a higher quality assessment.

These proposals could have considerable impact on our members. This is especially the case given the potential role the new quality system may have in relation to provider funding. We therefore believe it is vital to gather the views of members and work to shape OfS' next steps in this area.

In this overview of our evidence submission, we provide a summary of each proposal and the responses we have drafted in response to OfS' consultation questions on each proposal. These responses have been developed through consultation with MillionPlus' Teaching & Learning network. We welcome feedback and commentary on these responses to allow us to ensure our submission to OfS reflects the needs and interests of all of our members.

Proposal 1 - A more integrated overall system

OVERVIEW OF PROPOSAL

This proposal sets out the overall aims and approach of the new quality system. Ultimately, OfS' stated aims through the changes are to make the system more coherent, reduce duplication, clarify expectations and improve transparency. This will be achieved by making TEF universal, giving TEF a stronger role in measuring whether providers are meeting minimum outcome thresholds (B3), greater alignment between Student Experience ratings and B1/B2/B4 conditions, and making decision cycles rolling.

RESPONSES TO OFS' QUESTIONS ABOUT THE PROPOSAL

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

MillionPlus believes there is much to welcome in OfS' proposed new quality system. In particular, we welcome a more integrated approach to quality assessment. However, we also believe that the proposed integrated approach will move the TEF away from its initial proposed focus on quality enhancement towards acting as a tool of compliance. The new system's proposed disincentives and interventions to support compliance may create financial challenges for providers that make their pursuit of quality enhancement considerably more challenging. As a result, we believe there is a tension between quality enhancement and compliance which may make the integration in the proposed system incoherent and ineffective at supporting overall teaching quality across the sector.

MillionPlus notes related concerns about the proposed assessment of B conditions as part of the quality system. While we recognise the value of integrating B3 into assessments, we are less confident about how the use of tools such as the NSS to assess B1 and B2 conditions can be delivered in practice. We would welcome further clarity on this from the OfS.

We also have concerns about the integration of Equality of Opportunity assessments into the new quality system. This integration presents itself as a focus on consistency of Experience and Outcomes across all groups of students at a provider. MillionPlus believes that this focus on consistency will penalise providers who have more diverse student intakes, as the greater the number of different student groups the greater the difficulty in creating consistency of Experience and Outcomes. This may act as a disincentive for recruiting diverse student groups, undermining and widening access and participation. As such, it is important that OfS conducts a rigorous equalities assessment of the proposed new system.

Proposal 2 - Providers in scope

OVERVIEW OF PROPOSAL

Under the new system, all providers registered with OfS will be required to be assessed and rated via the new TEF. This assessment of previously unassessed providers will begin with their undergraduate provision, going on to include postgraduate provision in later cycles. The B6 condition will be revised to reflect that size and data thresholds no longer apply to providers in marking their requirement to participate in TEF.

RESPONSES TO OFS' QUESTIONS ABOUT THE PROPOSAL

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

We support OfS' proposal to assess all registered providers, believing that providers with no previous TEF rating should be the first to be assessed under the new quality system. This will provide currently unavailable information on the quality of those providers, supporting sector-wide quality enhancement and informed student choice on where to study.

Proposal 3 – Provision in scope

OVERVIEW OF PROPOSAL

Proposal 3 sets out that the first TEF cycles of the new system will be exclusively focused on undergraduate provision, with later cycles including postgraduate provision. 'Partnership' provision – including subcontracted, franchised and validated provision – will also be included in the assessment of a provider. The data on this partnership provision will be presented separately in the assessment of a provider but will nonetheless count towards the aspect ratings for a provider. There is also scope, currently under consideration, to include apprenticeships in the new TEF assessment.

RESPONSES TO OFS' QUESTIONS ABOUT THE PROPOSAL

3a. Do you have any comments on what provision should be in scope for the first cycle? (This could include comments on the inclusion of apprenticeships and the proposal to look separately at partnership provision)

MillionPlus believes that it is important for OfS to consider a provider's full range of provision as part of TEF assessments. This ensures a comprehensive judgment of the provider's quality. However, as the new quality

framework expands to include partnership provision, we have some key areas of concern and for development.

Firstly, the OfS must ensure that its quality assessment framework recognizes the differences between 'subcontracted', 'franchised' and 'validated' provision, with distinctive approaches for how each is assessed and how this assessment contributes to aspect ratings. These distinctive approaches should reflect the material differences between these types of partnership provision. The further differentiation of these partnership types should reflect the sector's responses to OfS' recent consultation on regulation of partnership provision.

Secondly, it is important for assessment of partnership provision to reflect that delivery partners may often be partnered with multiple lead providers. For example, a university may have a franchised partnership to deliver a course with a delivery partner, and that delivery partner may offer the same course through a franchised partnership with multiple other universities as well. Assessments of quality should reflect this one-to-many rather than one-to-one nature of much partnership provision with the sector. Relatedly, assessment of partnership provision should reflect the activity that an individual lead provider partner takes in quality assurance of the delivery partner's teaching.

Thirdly, while we recognise this is still only under consideration by the OfS, we have reservations about including apprenticeship provision in the new quality assessment framework. This is primarily because apprenticeship provision is already assessed and regulated by Ofsted alongside separate performance, quality and achievement rate metrics. We believe that also including apprenticeships under the new TEF will lead to costly duplication for providers without any improvement in quality.

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

We support OfS' inclusion of postgraduate provision in quality assessment cycles and believe the staggered approach to its inclusion is sensible. The OfS should use the additional time it has before the inclusion of postgraduate provision in quality assessments to determine the best approach for surveying postgraduate students to inform assessments of Student Experience.

Proposal 4 – Assessment aspects and ratings

OVERVIEW OF PROPOSAL

The new quality system will continue to rate Student Experience and Student Outcomes separately as well as providing an overall quality rating. The assessment of Student Experience will be aligned with B1, B2 and the effective assessment aspect of B4. Crucially, the meanings of the ratings will change such that 'Bronze' will now mean 'meeting minimum quality requirements' rather than exceeding them (as in previous TEFs). The overall rating for provider will also now be determined by the lowest rating between Student Experience and Student Outcomes. For example, a provider with Silver in Student Experience and Bronze in Student Outcomes will receive a Bronze overall.

RESPONSES TO OFS' QUESTIONS ABOUT THE PROPOSAL

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

While MillionPlus acknowledges that assessing Student Experience and Outcomes is key to assessing overall provider quality, we are concerned about OfS' proposed focus on consistency of positive experience and outcomes across different groups of students and areas of provision. We believe this will present a particular challenge for providers who have especially diverse student intake. For example, some institutions have students across multiple different campuses across widespread geographical areas with a correspondingly broad student intake, while some providers offer degree apprenticeships, short courses, evening courses through a franchised partner as well as more traditional degrees. Given the diversity of such student intakes, these providers would have more difficulty ensuring consistency in Outcomes and Experience than a provider with a more homogenous intake.

The consequence of this is that providers who value diversity in their intake and seek to provide accessible pathways into higher education for nontraditional students may be penalised in their TEF ratings for this ambition. This could act as a disincentive to providers to pursue a diverse student intake and to offer a wide range of accessible pathways into higher education – which sits at odds with the emphasis on access and participation in the government's recent Post-16 and Skills white paper.

Given these considerations, the OfS should, at minimum, consider allowing providers with diverse student intakes to provide context and explanation for disparities in Student Experience and Outcomes that will be considered by assessors as part of assessment and rating.

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

MillionPlus has two concerns about OfS' proposed new approach to generating overall provider ratings. At a high level, we believe that using the rule-based approach of automatically generating an overall rating based on the lowest aspect rating will lead to a loss of consideration of nuance and context in allocation of these ratings. This nuance and appreciation for context is critical given the vastly different circumstances, student intakes and social missions of different providers. A failure to appreciate these considerations will likely lower the validity and accuracy of overall provider ratings, undermining the utility of the whole quality system.

Secondly, it is vital that OfS carefully considers and plans for how the proposed system could lead to downgrading of overall ratings across the sector. As of TEF 2023, 87% of MillionPlus members have an overall rating of Silver or above. This reflects the high quality of teaching and support that students at our members receive during their study. However, 46% of our members have a Bronze rating for one of the existing TEF measures. Under OfS' proposed new rating system, this could mean that these providers – despite having strong teaching and student support – could be at risk of being downgraded to an overall Bronze rating in future TEF assessments, with the accompanying limitations on degree awarding powers, recruitment and institutional funding.

Given this risk for our members, as well as for many other providers across the sector, it is vital for the OfS to provide clarity on how performance and rating in previous TEFs will correspond to ratings in the future quality system. This will support institutions to understand whether their current performance is sufficient to achieve a Silver and above across both Experiences and Outcomes and, if not, how they can set themselves on the path to improvement in advance of the new quality system coming into force.

Proposal 5 –The student experience aspect

OVERVIEW OF PROPOSAL

Under this proposal, Student Experience would be assessed using adherence to B1, B2 and the 'effective assessment' conditions under B4. This assessment will draw on evidence from provider submissions, but also from results on the 'Learning opportunities' theme in the National Student Survey (NSS), alongside a set of new indicators from the NSS. Achieving a Silver or Gold will require demonstrating consistency of a positive student experience across different courses, groups of students (e.g. part-time and full-time) and types of provision (including franchised).

RESPONSES TO OFS' QUESTIONS ABOUT THE PROPOSAL

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?

While MillionPlus welcomes in principle the alignment of Student Experience with the relevant B conditions, we note that this presents some challenges for the assessment process. In particular, the current NSS does not thoroughly cover the B conditions, undermining its use as a tool to assess adherence to the relevant B conditions. Similarly, there is a deeper conceptual concern about the extent to which the B conditions can be assessed through the NSS. For example, can the coherence of a course be assessed accurately or reliably by using student survey responses? As such, it is vital that OfS carefully maps out how data sources and assessment methods will fit into alignment between Student Experience and relevant B conditions.

5b. What are your views on our initial thoughts on the criteria for the student experience rating (at Annex H)? (You could include comments on whether the courses content and delivery criteria suggest in the Annex should be framed differently for provider-level assessment; whether there is clear enough differentiation at each level and how this could be improved)

MillionPlus believes that the current criteria for assessing Student Experience are designed to apply to a narrow range of 'traditional' academic courses. These assessment criteria should therefore be expanded to provide an assessment framework for other types of provision that are potentially in scope for the new quality system. This includes apprenticeships, degree apprenticeships, sandwich degrees, modular and short courses. We also find that many of the assessment criteria are contingent on provider resourcing – such as the size of teaching staff in a subject area. We therefore emphasise the importance of benchmarking as part of assessment in order to ensure that providers are assessed in a way that reflects their size, financial base and that of their similar peer institutions.

5c. What are your views on the evidence that would inform judgments about this aspect? (You could include comments on issues such as what evidence could demonstrate the requirements of condition B1 are met at a provider level; whether the submission page limit should be reduced; the proposed inclusion of indicators based on the 'Learning opportunities' theme of the NSS)

Discussions with our members highlighted two concerns about the use of the NSS as part of assessing Student Experience. Firstly, MillionPlus recognises that the NSS has considerable limitations as an instrument for assessing the experiences of apprentices. As such, it would be an unsuitable tool for assessing the apprenticeship provision of an institution. Secondly, while we welcome the staggered inclusion of postgraduate taught provision in provider quality assessments, we also invite the OfS to provide further clarity on whether there will be a new postgraduate student experience survey to parallel the use of the NSS in informing the assessment of undergraduate provision. If this survey tool is planned for development, a wide range of postgraduate providers should be consulted on the contents of this survey.

Further to these concerns, it is critical that members are able to provide context to support the assessment of their Student Experience, in order to allow the assessment process to accurately reflect the large variation in student intakes, missions and challenges between providers.

Proposal 6 –A revised and integrated condition B3

OVERVIEW OF PROPOSAL

OfS' B3 condition will be revised to remove the 'progression' indicator, while 'continuation' and 'completion' will be retained. Assessment of B3 will also be integrated into future TEFs, applied to undergraduate provision in the first cycle then in postgraduate taught provision in future cycles. Crucially, if a provider does not meet B3 thresholds, they may submit contextual information to explain why but will no longer be invited to offer planned or underway actions to improve their performance, unless these activities are already reflected in current outcomes.

RESPONSE TO OFS' QUESTIONS ABOUT THE PROPOSAL

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 Teaching Excellence Framework? (You could include comments on areas such as removing the progression indicator from condition B3, how contextual factors would be considered at different stages in the process).

In principle, we welcome the integration of B3 into TEF. However, this support is accompanied by several caveats. Firstly, an integrated B3 must capture the wide range of provision and types of students when informing TEF assessments. For example, it is vital that students who are studying short courses, apprenticeships (if they are included in future TEF assessments), remotely (including through transnational education) do not have their student outcomes bucketed together with 'traditional' students when making TEF judgements. This is to ensure that student outcomes assessments reflect the full range of students in higher education.

Secondly, MillionPlus has concerns about the lag associated with the data used for B3 judgments. Although OfS acknowledge this data lag in their description of the future quality system proposals, further clarity on how this lag will be overcome is vital, to ensure TEF ratings are not based on historic data which does not reflect current performance. Without managing this lag, there is a large risk that Student Outcomes assessments will reflect the performance of an institution from years prior to the data of assessment rather than at the time of assessment. This challenge is further exacerbated by OfS' requirement that providers cannot provide contextual information or descriptions of current and future plans for improving performance. This may leave providers in a position of being unable to evidence their progress in improving Student Outcomes, while undermining the validity and informational value of the TEF rating.

Given these challenges, MillionPlus strongly encourages OfS to consider permitting providers to submit their own data – for example on student progression or retention – to support B3 and TEF assessment.

Proposal 7 –The student outcomes aspect

OVERVIEW OF PROPOSAL

The proposed 'Student Outcomes' aspect would include a broader set of post-study indicators aside from 'continuation' and 'completion'. These would include employment, further study and similar outcomes. Indicators for these outcomes would also incorporate context for providers (including student mix, course

mix etc.) Ratings would be awarded on the basis of meeting minimum thresholds, with falling below the bottom threshold earning a 'Requires Improvement'. Providers would also have their performance assessed against a benchmark based on similar providers, adjusted for context. As with Student Experience, providers who fall below benchmark may offer contextual explanation for this performance but will not be invited to submit current or future activities that will improve this performance in ways not currently captured by the data OfS uses to conduct the assessment.

RESPONSE TO OFS' QUESTIONS ABOUT THE PROPOSAL

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

MillionPlus is broadly positive about the proposed approach to assessing and rating Student Outcomes. In particular, we believe that the proposed approach handles less traditional forms of provision effectively, especially in relation to higher level skills that do not lead directly to jobs that are recognised at the graduate level. We similarly welcome the inclusion of prospective data and data on how graduates value and perceive their work.

However, MillionPlus are concerned about the use of Continuation and Completion metrics as indicators for Student Outcomes. We believe these metrics are misaligned with modular learning through the LLE and 'break points' in degree programmes, as set out in the recent Post-16 and Skills white paper. With this misalignment in mind, we believe the OfS should ensure that Student Outcomes are assessed and rated in line with the future operating model of the higher education sector.

Further to this, we also welcome clarification on other elements of the Student Outcomes proposal. Firstly, we would like to better understand how Outcomes for postgraduate provision will be assessed, especially in relation to undergraduate provision. We would also like to understand how the OfS plans to navigate declining response rates for the Graduate Outcomes Survey (GOS) if it is using this dataset as a key information source for Outcomes assessment, as improving these response rates will be key. We would also note that the data lag associated with GOS may undermine enhancement efforts of providers after receiving a TEF rating, adding further reason for TEF assessments to include considerations about current and planned improvement activity.

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?

The expanded range of Outcomes indicators is welcome, including graduates' reflections on their post-study activity, allowing a richer and more nuanced understanding of student progression. Nonetheless, we invite greater detail on these indicators and how they will be assessed. We also believe that OfS should consider including academic attainment as part of Student Outcomes in order to most comprehensively monitor student success in institutions.

Additionally, MillionPlus register two concerns about the proposed indicators. Firstly, we note significant concerns about the use of Longitudinal Educational Outcomes (LEO) data as part of determining employment outcome indicators. LEO data is even more time lagged than GOS data, which may reduce its validity and utility for this assessment purpose. Secondly, and relatedly, we are concerned that the use of LEO salary data as an indicator may lead to perverse incentives for providers to encourage graduates to leave their local and area and seek work in London to maximise their salaries, as well as negatively impacting institutions who do the most to train the public sector workforce. This may further widen geographic

inequalities in skills and undermine economic development in the regions. 7c. What are your views on the proposal to consider a limited set of contextual factors when reaching judgements about this aspect?

Considering context is vital to assessing and rating Student Outcomes. This is because context plays a considerable role in the outcomes that students obtain. For example, the supply of graduate level jobs in a region is a determinate of how many graduates from a provider in that region will have one of these jobs 18 months after completing their study. As such, considering context will increase the validity and utility of Student Outcomes ratings. We welcome more detail about these contextual factors, as well as Outcomes benchmarks, to support our members in preparing for future quality assessments.

Proposal 8 – Assessment and decision making

OVERVIEW OF PROPOSAL

A changing pool of academics and student assessors would lead on assessment in the new proposed quality approach. They would do this with the support of OfS staff. Assessment would also be conducted using a risk-based approach, with more scrutiny and weight given to areas where outcomes indicate reasons for concern.

RESPONSE TO OFS' QUESTIONS ABOUT THE PROPOSAL

8a. What are your views on who should carry out the assessments? (You could include suggestions for how we can enable more assessors (both academic and student) from small, specialist or college-based providers to take part)

We believe that diversity is critical across all assessors. For academic assessors, we believe it is vital that the full range of higher education provider types and mission groups are represented. This includes strong representation from modern universities. We believe this representation will support more effective judgment of the full range of institutions, as well as supporting sector-wide buy-in to the new quality framework.

For student assessors, similarly it is important to represent the full range of students who participate in higher education. This includes students from lower participation backgrounds, who have disabilities, who are mature, who study part-time and who are studying courses such as degree apprenticeships (if these are to be included in future TEF quality assessments). This is to ensure that the full breadth of student experience is brought to bear on assessments and to make the assessment of Student Experience and Outcomes as inclusive as possible.

8b. What are your views on only permitting representations on provisional rating decisions of Bronze or Requires improvement?

MillionPlus supports this approach to permitting representations for provisional Bronze and Requires Improvement ratings. This is because we believe limiting the scope of circumstances under which representations can be made will give OfS more capacity for delivering the TEF assessment cycles, managing the large number of institutions that will need to be given their first ratings under the new quality system, as well as the extra load brought by the cycle-based approach to assessment.

Proposal 9 – Varying the approach for providers with limited data

OVERVIEW OF PROPOSAL

OfS' proposes that providers who have limited NSS data, or no NSS data at all, should be assessed using alternative means to gather student views. This includes student focus groups and tailored surveys. This extends to Student Outcomes data – where data is too uncertain, Student Outcomes are not rated.

RESPONSE TO OFS' QUESTIONS ABOUT THE PROPOSAL

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 National Student Survey-based (NSS-based) indicators? (Your comments could include: the proposed approach to determining whether the NSS data is sufficient; the action we are considering to improve the availability of NSS data for more providers; how student views could be gathered through an alternative means)

MillionPlus believes that there are circumstances under which it is appropriate for alternatives to NSS data being used to inform judgments about Student Outcomes. However, given the widespread limitations of NSS data, there is scope for this use of bespoke data to give greater advantage in assessments and ratings to providers who lack sufficient NSS data. We therefore believe that transparency around the thresholds for data being considered insufficient is vital, as well as clarifying a limited set of alternative data collection options.

9b. What are your views on our proposal not to rate the student outcomes aspect where we do not have sufficient indicator data? (You could include comments on the proposed approach to determining whether the data is sufficient)

We recognise that there are often considerable limitations to GOS data and therefore believe it is sensible in such circumstances to be extremely cautious in how Student Outcomes are rated. As such, we believe there may be some situations in which it is appropriate to not rate Student Outcomes. If this is the case, OfS must ensure that this lack of rating does not lead to a default overall Gold rating if the provider has earned a Gold rating in Student Experience, as this would further undermine the validity and accuracy of the overall rating. With this in mind, it is vital that more clarity is provided on the thresholds under which data would be considered insufficient and equally how a lack of Outcomes rating would contribute to an overall rating.

Proposal 10 – Student evidence and involvement

OVERVIEW OF PROPOSAL

The new quality system will engage direct student input in assessment of Student Experience, expanding the range of student assessors, and use of student focus groups, where student written submissions may not be feasible.

RESPONSE TO OFS' QUESTIONS ABOUT THE PROPOSAL

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?

MillionPlus welcomes the involvement of student input into the assessment of Student Experience. In order to maximise the value of student voice, it is vital that student representation covers the full range of participants in higher education. This includes students who are mature, part-time, commuters, and who are studying non-traditional degrees such as degree apprenticeships and short courses. It is vital that systems for student input are designed to accommodate these non-traditional students. This includes a broad and accessible recruitment process, fair remuneration for time spent as an assessor and support with completing assessor duties alongside ongoing study.

10b. How could we help enable more student assessors from small, specialist and college-based providers to take part?

MillionPlus believes that the OfS should directly target non-traditional groups for recruitment as student assessors, with clarity on remuneration and potential career development opportunities as a consequence of participation. OfS should also consider a quota for a number of non-traditional student ambassadors.

Proposal 11 – Assessment cycle

OVERVIEW OF PROPOSAL

The new quality system would operate on the basis of cyclical quality assessment, with all providers assessed periodically rather than as a one-off. The first assessment for providers without a current TEF rating will take place within three years of the cycle being adopted, with reassessment varying based on the providers' rating or risk level. This will mean that Bronze providers will be reassessed more regularly than those who are Silver or Gold.

RESPONSE TO OFS' QUESTIONS ABOUT THE PROPOSAL

11a. What are your views on our proposed approach to scheduling providers for their first assessments? (You could include comments on: the factors we consider in scheduling assessments; any types of significant events that should lead us not to schedule an assessment in that year; the sequencing of TEF assessments and APP approvals)

In the scheduling of initial assessments under the new quality framework, we believe that providers without any TEF rating should be prioritised. This would better align the assessment sequencing with OfS' aims to ensure students have the highest quality information to inform their choice of provider for study.

11b. What are your views on our proposed approach to scheduling providers for subsequent assessments?

MillionPlus understands the rationale for the cyclical assessment process proposed by OfS and appreciate its potential for more comprehensive monitoring of provider quality. However, we have two substantial reservations about its impact on providers.

Firstly, the ongoing monitoring and reviewing of lower-rated providers could lead to conditions under which Bronze-rated providers are in almost constant assessment cycles. This is especially the case given the lag in key data sources used for assessment, such as the GOS as well as the use of the lowest aspect rating for the overall rating. Given the substantial amount of resourcing needed to put into TEF processes, this 'TEF treadmill' would be a considerable drain on provider resources, especially during an era of major financial challenges across the sector. Furthermore, such a treadmill could have negative impact on staff wellbeing.

Secondly, in addition to the capacity impact that assessment cycles will have on providers, we also express concern about the capacity impact of this approach on OfS. The cyclical approach will require considerable OfS resourcing, potentially limiting OfS' capacity for more reactive, risk-based monitoring of providers who are rated above Bronze. This lack of agility may threaten the cross-sector quality assurance function of the OfS.

Thirdly, we also note that the focus on lower-rated providers in subsequent assessments risks under-monitoring of higher-rated providers. This under-monitoring can lead to declines in Student Experience and Outcomes in higher-rated providers that may not be identified by the OfS' risk-based approach for years due

to data lags. This can allow higher-rated providers to have their declining quality go unchallenged, undermining the OfS' ambitions to ensure quality across the whole sector.

Proposal 12 – Risk monitoring

OVERVIEW OF PROPOSAL

The new quality approach will include a risk monitoring tool to identify factors associated with increased risk to quality (e.g. declining outcomes, poor student feedback etc.). Providers will be monitored between TEF assessment cycles to allow earlier detection of these issues, leading to potential reassessment.

RESPONSE TO OFS' QUESTIONS ABOUT THE PROPOSAL

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?

While MillionPlus supports OfS' risk monitoring and risk-based approach to intervention with providers, we are concerned that many current key data sources used for risk monitoring of provider quality have large time lags. This can undermine effective monitoring and lead to similar lags in the identification of issues around provider quality. We also have concerns about the resourcing required to support ongoing cyclical assessments of lower-quality providers and fully deliver effective risk-based monitoring at the required scale.

Proposal 13 – Incentives and interventions

OVERVIEW OF PROPOSAL

The new quality system aims to have stronger incentives for quality. It is projected that there will be fewer top ratings, increasing their value, while there will be more disincentives to merely meet minimum quality standards. In particular, providers who receive Bronze would potentially become ineligible to apply for or extend degree-awarding powers, and for some kinds of funding. Similarly, Bronze rated providers would have their student number growth restricted until they could "demonstrate higher quality".

RESPONSE TO OFS' QUESTIONS ABOUT THE PROPOSAL

13. Do you have any comments about the proposed set of incentives and interventions associated with Teaching Excellence Framework (TEF) ratings?

MillionPlus recognises a role for incentives and interventions as part of sector-wide improvement of provision. However, we believe that there are three reasons to be concerned about the strength and character of OfS' proposed incentives and interventions in the new quality system.

Firstly, we are concerned that the strength of proposed interventions for Bronze-rated providers – such as being unable to extend degree awarding powers, having student numbers capped, and limiting access to research funding – move the TEF away from a system of quality enhancement and towards a system of compliance. This is because introducing these constraints on providers would undermine their financial base, making it more challenging for them to focus on enhancement activity. This would take the TEF away from its initial envisioned function. There is a further risk of this change damaging the relationship between OfS and providers, potentially leading to a hostile relationship similar to that between schools and Ofsted.

Secondly, the high impact of the proposed interventions on lower-rated providers requires that these interventions be motivated by extremely high-quality data. However, there are significant questions over the

validity and reliability of key datasets that will be used by the OfS in its assessment of provider quality – in particular, the NSS and GOS. As such, there is a high risk of providers being subject to interventions that do not correspond to the quality of their actual provision.

Thirdly, these interventions could lead to a 'downward spiral' effect for many providers. For example, a provider who receives a Bronze TEF rating may then lose opportunities to secure their financial base through increasing student numbers (especially in light of inflationary shocks to their expenditure) or research income. These could lead to them being worse resourced and potentially needing to make cuts to staff. According to OfS' current framework for assessing Student Experience, fewer staff teaching a subject area would lead to that area being lower-rated. As such, the provider would find themselves unable to improve their TEF rating, facing further financial challenges. Over time, these cumulative cost pressures may lead to market exit for providers with current financial sustainability challenges. These reductions in the size of the sector may have a negative impact on the accessibility of higher education to students from non-traditional backgrounds.

With these three considerations in mind, it is vital that the OfS carefully model the potential impact of these new incentives and interventions on the overall sector, with a particular focus on accessibility and equalities.

Proposal 14 – Published outputs

OVERVIEW OF PROPOSAL

Under new proposals TEF ratings will continue to be published, with ratings accompanied by data where relevant (such as proportion of partnership versus taught provision) and information about risk monitoring where providers are under concern.

RESPONSE TO OFS' QUESTIONS ABOUT THE PROPOSAL

14a. What are your views on the range of quality assessment outputs and outcomes we propose to publish?

Transparency about provider assessments and ratings are important to support sector-wide accountability and student choice. To support these functions, we believe that two considerations are important as part of published outputs. Firstly, it is important that outputs are dynamic and can be quickly amended by OfS to reflect changes in assessment or rating decisions. This is especially important given the cycle-based approach to assessment, with providers who receive lower ratings being subject to ongoing review. Given the potential impact of a low rating on provider reputation and student recruitment, it is vital that published outputs are highly responsive to any uprating.

Secondly, the OfS should consider whether retention of the term 'Bronze' for a rating that would now mean 'meeting minimum quality standards' would undermine student choice. We believe from consultation with members and the wider sector that 'Bronze' continues to be associated with 'above minimum quality standards' and therefore may cause confusion for prospective students when understanding the quality of provision at an institution they are interested in studying at.

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

It is important for OfS to communicate key contextual data as part of published outputs on provider quality. This key contextual data should include student demographics – especially as they relate to widening participating indicators – as well as course and mode of study mix (such as degree apprenticeships, part-time study, and data on graduate mobilities (such as the proportion of graduate who stay on to work in region

and how many students are from the local area). These indicators should also be linked to other indicators on Student Experience and Outcomes by narrative text to provide a clear explanation for the relationship between ratings and these relevant data. This transparency can support more effective student choice as well as allowing OfS to communicate to the sector that it recognises the role of context in quality assessments.

Proposal 15 – Delivery timeline

OVERVIEW OF PROPOSAL

The OfS proposes to conduct further consultation during 2026–27 on the details of the new system. The first full cycle of the future TEF assessments under the revised proposals is planned for 2027–28. Providers that currently hold a TEF rating would retain those awards until replaced by new ratings under the future scheme. OfS intends to monitor how the new system works in practice, collect feedback, and adjust as needed.

RESPONSE TO OFS' QUESTIONS ABOUT THE PROPOSAL

15a. Do you have any comments on the proposed implementation timeline?

As part of its 2026–27 consultation with the sector, we believe it is vital that the OfS prioritises engagement with providers who may be most affected by the proposed changes to the quality system. This includes providers currently without a rating, those with a 'Bronze' rating on one aspect (and therefore at higher risk of being 'Bronze' overall in the new framework) and those experiencing financial challenges. This will support the new framework serving quality improvement across the whole sector. It is important for OfS to communicate the criteria for ratings as soon as they have drafted them, allowing providers to plan accordingly for their assessment.

In relation to the initial assessment cycle in 2027–28, we believe that OfS should prioritise the assessment of providers who have no previous TEF ratings. This will provide missing information on the quality of those providers, which will be vital to supporting student choice and sector-wide enhancement.

15b. Do you have any comments on the two options we have set out for how we could approach publication of Teaching Excellence Framework (TEF) ratings during the transitional period, or suggestions of other approaches we could take?

We support the retention of providers' previous TEF rating until they are re-rated under the new quality framework. This will serve as an evidence-based proxy for provider quality that will support effective sector monitoring and student choice. We also support the need to prioritise the assessment of providers with no previous TEF rating as part of the introduction of a new quality system.

15c. Do you have any comments on our approach to ongoing development, or our plans to prepare for the future inclusion of taught postgraduate provision?

We support OfS' staggered approach to the inclusion of postgraduate taught provision in quality assessments. The OfS should use this additional time to prepare for postgraduate quality reviews by consulting closely with providers and developing an appropriate survey instrument for postgraduate students.