



INDEPENDENT  
HIGHER  
EDUCATION

## Independent Higher Education response to the Teaching Excellence Framework technical consultation for year two

12 July 2016

### Question 1 (Chapter 1)

**Do you agree with the criteria proposed in Figure 4?**

Yes.

***Please outline your reasons and suggest any alternatives or additions.***

We were pleased to see that due consideration had been given to several issues raised in previous consultations, and in particular to the role of increased contact time within teaching quality and of learning gain within student outcomes. We would welcome a more fully developed, comparable metric on contact time as we feel it is a key concern for students.

We were also encouraged by the expansion of criteria beyond the core metrics, and the ability to submit further evidence across these criteria.

We would encourage a very broad application of evidence of professional development for staff within the guidance given to TEF panel members. While some of our members do engage with traditional higher education teaching qualifications and HEA frameworks, we recommend that professional development which is industry focused and that which derives from engagement with professional bodies to be just as highly valued in TEF judgements. Many students highly value learning from practitioners in their particular fields and they should be able to use TEF judgements to better understand who actually delivers the learning on a course.

Following on from this, learning which involves those engaged in professional fields is often delivered using staff on term-only or part-time contracts. This should not be discouraged by TEF panels but rewarded for the value it adds, and providers should be able to clarify this in any public information generated as part of the TEF process.

We also welcome the inclusion of linkages with professional practice as a criterion alongside scholarship and research. With the recognition of DLHE as an important tool for prospective students, it is clear that most graduates do not seek research-focused outcomes to their higher education courses. It makes sense to pair these metrics with

an understanding of both professional practice and research to allow students to draw conclusions for both academic and professional destinations.

As part of preparing the TEF panel for their role, it would be helpful to better understand the use of learner analytics in small and specialist institutions. Learner analytics often require the use of expensive software which is not cost effective for smaller institutions and as such learner development may be measured more uniquely and in a more personal format. This is important for TEF panel members to understand across the sector, rather than just through provider contextual statements.

Similarly, it should be acknowledged that Alternative Providers (APs) are likely to have more varied approaches to monitoring widening participation groups as they have not been subject to the standardisation which has come from continued involvement with OFFA. Some may have no specific approaches as the vast majority of their students will already be from widening participation backgrounds. Again, guidance to TEF panel members should reflect this different approach to widening participation between publicly and non publicly funded providers.

We would like to emphasise that the criteria for TEF include a set of core metrics which will disqualify large groups of students from inclusion. These groups are more common in APs as they have designed flexible courses to respond to student demand and so are less likely to have students on traditional three or four year degree courses. Students on top-up courses and those with direct entry are excluded from NSS. Students on pathway courses are excluded from DLHE. Students who take appropriate short qualifications or who complete their degree over a longer period are recorded as non-completing through HESA definitions. It is vital that these metrics are re-developed to better reflect the range of students taking higher education qualifications which they have chosen as right for them. It would not be appropriate, but may be a consequence, for providers to ignore student demand and instead change their courses simply to fit poorly designed metrics.

## **Question 2 (Chapter 3)**

### **A) How should we include a highly skilled employment metric as part of the TEF?**

Our members agree fully that there should be a metric which measures whether a student is using the skills and knowledge gained from study. In particular those members who are focused on highly professional, vocational or creative courses consider it the highest accolade for a college to have students within their industry recognised for their graduate skills. Many would prefer a DLHE metric which asks if a student is actively working in their chosen field over one which asks if a student is meeting a certain salary threshold.

The challenge however is to define 'highly skilled', and in this members agreed that DLHE did not provide the answers as it was a metric to measure across disciplines and not within them. As higher education has expanded, and especially with the appropriate recognition of creative and vocational courses as higher education qualifications, traditional definitions of a graduate profession are no longer appropriate. Skills shortages, especially in creative and vocational areas, have also re-defined 'highly

skilled' and many graduates attend our member colleges specifically because they channel students into careers where they know there is demand. Students with an interest in history and a skill for art might be better to take one of the only courses in Conservation in the UK than a traditional history of art course. While the latter might eventually filter them into a graduate job outside of the subject area, the former is specifically designed for a highly skilled job which is unlikely to be found on the SOC 1-3 lists but which will use the skills gained in the course of their education from day one.

We recommend that further consideration be given to measuring skill levels which includes value to the individual and particular attention to courses which address a specific skill shortage within a community or across the UK.

**B) If included as a core metric, should we adopt employment in Standard Occupational Classification (SOC) groups 1-3 as a measure of graduates entering highly skilled jobs?**

No.

We are concerned that not all occupations within SOC groups 1-3 are high-value skilled jobs, but more importantly that many occupations, including shortage occupations in administrative and skilled trade fields commonly found in SOC Group 4 and 5, are desirable graduate level jobs for some subject areas. We recommend developing a better understanding of creative and vocational higher education courses before limiting the SOC groups. While we understand the need to have an acceptable measure of highly skilled employment, it would not be helpful to limit this in a way which excludes creative and vocational higher education.

We are also concerned that as a core metric, DLHE often fails to capture the graduate experiences of international students, both for study and work. Low survey response numbers, due to the difficulty in contacting students abroad, are an issue with the current DLHE. The SOC groups are also determined specifically for the UK labour market, which does not translate internationally. International students may return home to a position which is considered highly skilled and graduate level there, but not within SOC 1-3 here in the UK. Salary levels will also pose a challenge with international conversions. As APs are more likely to have significant populations of international students than publicly funded providers, we would recommend that any DLHE metrics separate UK and international students in public information, and ensure that international student samples are of a comparable size before publication.

Finally, there is a challenge for providers who offer flexible courses, and specifically who offer pathway courses or courses with early exit points, that the definition of "graduate" may be too narrow or too broad. It is not clear from the consultation who may be considered a graduate for the future purposes of DLHE and any additional employment metrics considered for development. In order to be included in TEF, providers must have a DLHE metric, which by the proposals would then be assessed for their SOC levels. However for some where the purpose of their courses is not employment but further study, a metric based on SOC levels is not appropriate. We would recommend moving to a model which specifically addresses these providers and allows for a substitute metric for further study as an alternative to SOC.

**C) Do you agree with our proposal to include all graduates in the calculation of the employment/destination metrics?**

Not sure.

***Please outline your reasons and suggest any alternatives.***

For many providers, the primary concern raised for this question was the definition of a graduate – which remains unclear especially given HESA's currently still open consultation on DLHE. Innovative providers have designed a range of programmes to reflect student choice and demand but which may not fit traditional definitions of 'graduate' for the purposes of DLHE. As we work through the definitions of a 'student' for the purposes of HESA and related regulation, we should pay careful consideration to how that then changes the definition of 'graduate' and whether the questions in the DLHE survey remain appropriate for these students.

Several Independent Higher Education members offer highly professional courses, which are similar to those provided to serving school teachers or post-registration health and social care workers in that their students continue to work while studying and/or return to the same occupation or often self-employment as they had when they started. Will these programmes be assessed for their appropriateness for DLHE in the same way as serving teachers and post-registration professional courses in health and social care have been, and will their students not be considered graduates for DLHE purposes? For some providers this makes up such a considerable proportion of their graduates, that the remaining sample size if they were excluded would be small. DLHE has, however, excluded very similar groups of graduates in the past, and providers remain concerned that DLHE will be inappropriate for their students for the same reason. They do not, however, wish to be excluded from the TEF simply because their students do not fit a specific metric.

Another group of concerned member are the pathway providers. Many teach programmes in partnership with a specific or multiple university partners which are awarded credit only by the partnering institution for the purpose of entry. Similar 'graduates' have been excluded from the DLHE student record in other cases as they are considered to be teaching at level 3. For students looking specifically to progress onto a first degree or a postgraduate degree course, a metric which is able to show how many students make that progression after completing the course would be extremely helpful; DLHE, however, may not be that metric. Similar to the providers who teach professionals, providers who primarily teach level 3, but who also teach some level 4 courses for the purposes of progression through an articulation route, want to participate in TEF for reputational purposes but are not catered for by the DLHE metric.

For graduates both continuing in work or continuing in study we believe that TEF would be a very useful system for producing accurate and appropriate information for students who specifically seek those outcomes. Both of these groups of providers are expanding, as many students find this type of higher education both necessary and beneficial. In particular, pathway programmes have a significant role to play in the future of widening participation. However, it is clear that they would be better compared to each other,

rather than providers where the primary destination for graduates is graduate-level employment.

### **Question 3 (Chapter 3)**

#### **A) Do you agree with the proposed approach for setting benchmarks?**

No.

While we agree it is important to benchmark where there are key factors which affect performance in certain metrics, we remain concerned about the way the benchmarks are set and the challenges posed by sample sizes.

Benchmarks are currently set using the UK Performance Indicators. This data set has been developed on the basis of over a decade of information from traditional universities. We are confident that the benchmarks would look quite different if data APs were included. We understand that this data has only recently been collected, but would propose that a temporary comparison be created using the UKPI method but Alternative Provider data, to allow the panel to see the potential for difference between APs and traditional providers. This could be used until benchmarks could be developed which are based on a more complete set of data across the sector. We remain concerned that if benchmarks are set using the proposed method, APs will spend their entire 15 page contextual submission explaining why their data is different, leaving little room for outlining potentially commendable practices.

To break down the data further by the factors listed would generate notably small sample sizes for many of our members. While proportionately many of our members have high numbers of mature, BME and disabled students, many are contained within a very small sample to begin with. Again, to automatically break down student populations in this way, regardless of size of institution, would create at best very artificial and at worst completely unusable data. We would recommend setting a minimum institution size of 250 students before data is broken down by these factors. This would enable any publishable results to be clear and consistent for students, who may not be familiar with the challenges of sample sizes. It would also avoid smaller providers again having to use their contextual document to explain data variations, instead of innovative practice.

The consultation remains vague on what aspects of this data will form part of public information in the future and this is an area where our members are concerned that public information would not be appropriate until benchmarks can be evaluated with considerable data from providers who have been excluded until this year.

#### **B) Do you agree with the proposed approach for flagging significant differences between indicator and benchmark (where differences exceed 2 standard deviations and 2 percentage points)?**

Not sure.

We anticipate that flagging benchmarks in this way will highlight the significant differences between independent providers and traditional providers in their data sets.

Again our concern is that providers will need to spend a disproportionate amount of their limited 15 pages explaining why benchmarks are inappropriate. We also remain concerned that flags may be used in public information as they are more easily understood than the raw data. We would caution against using this system until benchmarks can be re-developed using datasets which include several years of AP data.

#### **Question 4 (Chapter 3)**

**Do you agree that TEF metrics should be averaged over the most recent three years of available data?**

Yes.

This issue caused considerable concern initially with our members as none will have three years of available data. We have chosen to answer this question putting aside our key concern that TEF is proceeding too quickly and thus in a way which will disproportionately benefit established traditional providers. APs have been intentionally excluded from many of the metrics and the data collection system over the past three years and so have been unable to develop the data required by the timeline set in the consultation.

It should be noted here that very few providers operating outside of the publicly funded sector will have any data to submit to TEF and will therefore be excluded from participating altogether until they can obtain the required data. In the context of promoting fair competition, this is decidedly anti-competitive and APs are understandably frustrated by the decision to push ahead regardless of the restrictions they face.

In just over three years our members will have the required data to submit to TEF and agree that there should be a three-year average for TEF judgements. They cite a number of reasons why this is a helpful approach:

- Small and specialist providers are unlikely to have requisite sample sizes within a given year. Three-year average metrics may allow providers to produce enough data to meet sample sizes, especially when metrics are divided by the student factors outlined in the consultation.
- Three-year average metrics are far less likely to disrupt innovation and allow providers to undertake long-term planning to make course changes which respond to student demand. Any course changes require an element of development and three-year metrics will allow changes to bed in over the period of the metrics.

Members remained concerned of the additional burden they will face if they choose to join TEF without three years of data. Members also expressed concern that both DLHE and NSS were inappropriate for many courses delivered in APs and excluded so many students that the metrics would not accurately reflect the teaching which they delivered. In particular, many members have had considerable success in promoting social mobility through short courses or courses with articulation agreements. These

successes will never be measured by these metrics regardless of how many years are averaged and this is not fair to students who could benefit from this information.

### **Question 5 (Chapter 3)**

**Do you agree the metrics should be split by the characteristics proposed above?**

Not sure.

***Please outline your reasons and suggest alternatives.***

We remain concerned that splitting metrics by so many characteristics will reduce samples to sizes which are too small to be considered. This method very clearly benefits large providers who have the numbers to show data for each of the dividing factors. We would suggest setting a limit of 250 students before data is split by characteristics. This will avoid producing metrics which not only fail to say anything statistically significant, but could leave smaller providers with a disproportionate burden to explain repeated lack of information in this section in their already limited contextual statement.

We also recommend that providers be able to request metrics be split by factors which are appropriate and where providers are interested in pursuing a specific commendation. For example, providers who teach high numbers of international students may wish to apply for a commendation for their efforts in this area. If the metrics can be divided by this factor alone and remain statistically significant, providers should be able to use this data alongside their contextual statement to show their excellence. Many of our providers also have large numbers of BME students or students from specific POLAR quintiles which would enable them to show excellence in widening participation. Smaller providers should be able to request this specific division of metrics to support commendations.

### **Question 6 (Chapter 3)**

**Do you agree with the contextual information that will be used to support TEF assessments proposed above?**

Not sure.

***Please outline your reasons and suggest any alternatives or additions.***

During the course of this consultation, publicly funded providers were issued with a set of metrics based on the consultation proposals with which to make judgements on the appropriateness of the metrics. Despite last year's submission of data to HESA from 63 APs, none of our members were issued with this data. Our members are concerned that they have had no access to this data to judge whether it is appropriate or to propose any amendments. While we appreciate that this could still be provided with future data sets, we are concerned that this consultation will have been completed by that point and decisions will have been made.

We would welcome the opportunity to look at the AP data set with HEFCE, HESA and BIS in order to understand better how this data could be used in TEF assessments. It is particularly relevant as this data is considered 'experimental' in nature due to the limitations of the very first AP data return to HESA.

While we are unable to provide any definitive comments on the data set we would reiterate our concern about sample sizes with such diverse contextualisation of the data. Too many divisions will produce unhelpful data for the TEF panels for smaller providers and we would welcome the development of particular guidance and a more appropriate system of division for providers with less than 250 students in particular.

### **Question 7 (Chapter 3)**

#### **A) Do you agree with the proposed approach for the provider submission?**

Yes.

We support the light-touch and holistic approach taken in the provider submission. Our members welcomed the attention to the level of burden that yet another quality assessment could place on them, especially as they will all be undertaking a number of new metrics at the same time as this new process is put in place. Considering the proposal that TEF Year Two be a pilot year open to those providers prepared to make submissions, we hope that further guidance can be developed to show how best to back up the contextual statement without including primary evidence. Members have expressed concern that the submission might exclude them from using the evidence they have already developed such as student satisfaction and destinations data to supplement the core metrics which we have already established as being problematic for APs. The proposals suggest that copies of this evidence should not be included, but many providers feel this will again disadvantage providers who do not have a history with the proposed metrics. We are also concerned that this will not be clear in the pilot stage as we feel it will not be possible for any alternative provider to participate in the pilot stage.

Given that we were unable to find a single member who would have even the minimum criteria to submit metrics for the pilot of Year 2 – only private universities will have the minimum one year of data in all three core metrics within the given timeline – we are concerned that there will not be sufficient understanding of the success of the TEF process for independent providers.

Finally our members were very concerned over the wording of paragraph 101 – “The submission should therefore avoid focusing on successful but highly localised practices that affect a relatively small number of students studying on particular courses or in particular departments.” For many this represents the natural bias they feel is present in the process towards larger and more subject-diverse institutions. For the majority of our providers, all of their provision is highly localised and involves small numbers of students on particular courses, and that is the basis of their offer to students. We would not want their commendable activities to be considered inappropriate by panel members simply due to the nature of their provision. As an example, one provider has two courses which would have applicable data for TEF submission. One of these courses has no more than



8 students per year, by design. This is to ensure that the contact time is high enough for the specialised subject but also because they are so highly connected to their industry that they know there are no more than 8 job openings per year. The course has a 100% employment rate. This connection to industry, and their attention to detail for graduate employment is highly commendable, but this is also a highly localised practice for students on a particular course. We want to avoid exclusions in TEF as there are already so many risks of excluding APs by dint of its design and delivery dates.

**B) Do you agree with the proposed 15 page limit?**

Yes.

***Please explain your reasons and outline any alternative suggestions.***

Most members were encouraged that the contextual information would be limited and they would not be engaged in a further in-depth activity for quality assessment.

Many members did express concern however, that the contextual statements would be much easier for those providers who did not have to explain the challenges they faced because of the metrics chosen for use in the TEF. Smaller providers, APs and those with non-traditional courses will have to spend a disproportionate amount of space in their contextual statements to explain why these metrics do not fit or why they are unavailable due to sampling constraints. Action which can be taken to either reduce the necessity of this explanation, such as improved guidance or limiting division of data to larger providers, as recommended above, would be essential to ensuring that providers are treated equally within the panel process. In addition, special provision for additional pages for these providers who face a lot of challenges with the metrics would be a useful way to ensure that everyone has equal opportunity to both address the metrics and to champion their good practice.

We would also welcome clarification from BIS on what elements from the submission will form part of public information in the future as many members felt this remained a crucial unanswered question and a critical element for understanding how TEF participation might enhance the reputation of providers.

**Question 8 (Chapter 3)**

**Without the list becoming exhaustive or prescriptive, we are keen to ensure that the examples of additional evidence included in Figure 6 reflect a diversity of approaches to delivery. Do you agree with the examples?**

Yes.

***Please outline your reasons and suggest any additions or alternatives?***

The examples are sufficiently broad to include the evidence which many of our members would submit. Some members indicated they would give more specific responses in their individual submissions to this consultation.

There was a general agreement that the criteria lacked any specific emphasis on success in teaching international students. Given the UK's excellent (but still at risk of global competition) reputation for teaching international students, the integration of this into the TEF and then as part of the public information produced by the TEF would be beneficial to developing the UK's brand in this area. They feel there is a missed opportunity in not including elements of a global student experience in the learning environment, for example, or of global graduate employability experience which would be beneficial to both home and international students.

#### **Question 9 (Chapter 4)**

##### **A) Do you think the TEF should issue commendations?**

Yes.

Members felt strongly that the proposed number of TEF commendations were too small, the areas too narrow in focus, and that commendations should more widely applied. We strongly urge a more extensive use of commendations as a way to reflect the diversity of the sector. As commendations will likely be one of the most reported elements of TEF in public information, it is a useful tool to enable students to see the value added in specific institutions. It is also useful for ensuring that TEF is understood internationally as rewarding excellence in a diverse sector. There is a risk that with only three gradings across providers, high value providers who only get 'meet expectations' or 'excellent' due primarily to limitations in the system but who excel in their offer to specific groups of students may be viewed as inadequate.

##### **B) If so, do you agree with the areas identified above?**

Yes.

***Please indicate if you have any additional or alternative suggestions for areas that might be covered by commendations.***

We welcome the suggestions of commendation but would recommend additional commendation from the experiences of our members in developing courses to meet more modern student demands:

- Excellence in industry-led teaching
- Excellence in enhancing global employability of graduates
- Excellence in innovative course design – focused on course elements or assessments which challenge and add value. Also including flexible delivery course design.
- Excellence in internationalisation of the curriculum
- Excellence in learning environment – with particular attention to providers with relevant industry related facilities.
- Excellence in achieving positive outcomes for international students

## Question 10 (Chapter 4)

**Do you agree with the assessment process proposed?**

Not sure.

***Please outline your reasons and any alternative suggestions. The proposed process is set within a relatively tight timescale, reflected in the key dates included in Annex B. Responses should be framed within this context.***

While we agree that the TEF should remain light-touch and avoid unnecessary burden, our members expressed concern that there would be no contact with the provider as a matter of course within the process. Many felt that this did not allow providers to show the full extent of their offer to students. More felt that this would put at a disadvantage APs who may be an unknown to TEF panels and who faced disadvantages within the system due to the dominance of publicly funded providers in the metrics used and the size and experience of the staff and resources they are able to devote specifically to work on TEF.

We welcome the opportunity for the TEF assessors to seek clarification from the provider. We feel this is vital as there are no guarantees the TEF panel will be familiar with APs and, given the differences in available metric data, it is likely that some clarification will be an essential part of the AP submission process until more assessors become familiar with provision not delivered by traditional universities.

We also welcome the addition of employer representatives at Stage 2 and would recommend industry experts when considering highly vocational or creative courses or colleges. We also recommend that initial panel training include particular references to APs and their regulation processes to date, to ensure Panel members are fully aware of the challenges faced by our members.

## Question 11 (Chapter 4)

**Do you agree that in the case of providers with less than three years of core metrics, the duration of the award should reflect the number of years of core metrics available?**

Not sure.

***Please outline your reasons.***

As mentioned above while we agree that TEF should use three years of core metrics where possible we are concerned that no AP will be able to provide this until at least Year Four of TEF. This is not through fault of their own but because TEF is based on a metrics system which they have been either excluded from or, in the case of some metrics, actively dissuaded from participating in. The proposal to further burden these

typically small providers with additional submissions to TEF exacerbate a process which already advantages large, publicly funded providers.

While we do not disagree that where there is limited data there should be limitations on the award we would propose that the system of repeated submissions is not the solution. The problem of limited data is not by choice for most providers and the proposals will result in many APs delaying entry into TEF until Year Four at the earliest when a small group will have just enough data to submit. Most will not obtain three years of TEF data until TEF Year Five, which has not yet been proposed.

We reiterate our suggestion from our Green Paper response that TEF awards should not require a full re-submission but simply a review when the data is available.

### **Question 12 (Chapter 5)**

**Do you agree with the descriptions of the different TEF ratings proposed in Figure 9?**

No.

***Please outline your reasons and any alternative suggestions.***

While most members agreed that TEF ratings should not be so varied as to create a *de facto* ranking system, many felt that there would be little to no understanding of the difference between ‘excellent’ and ‘outstanding’ for prospective students and employers. They feared this would be even less well understood in an international context. Many were disappointed by the consultations approach to using the words ‘excellent’ and ‘outstanding’ in the definitions provided on pages 38-39. They welcomed the positive nature of the “Meets expectations” rating, preferring this to a rating which implied providers did not have good-quality provision, given that TEF inclusion was based on established judgements of quality from bodies such as QAA, and in due course the Office for Students.

We found that it was very difficult to ascertain the difference in the definitions of the descriptors provided in the consultation. This problem is unlikely to change when the definitions are provided to students unless there is considerably more information. Our members recommend using different descriptors or creating numerical levels to make the information understandable in both domestic and international contexts.