

TEF Panel: delegated authority and rules of procedure for the main committee and any sub-committees

Part 1: Purpose and delegated authority of the TEF Panel and its members

1. The OfS has established the TEF Panel (“the Panel”) as a committee of the OfS, with the remit of carrying out assessments and making decisions about the ratings to be awarded to providers participating in the Teaching Excellence Framework (TEF). The TEF is the scheme that the OfS has put in place pursuant to section 25 of the Higher Education and Research Act 2017. Subject to paragraph 2, the TEF Panel has the authority (on a non-exclusive basis) to:
 - a. conduct assessments of providers participating in the TEF and make provisional and final decisions about the ratings to be awarded to them, in accordance with regulatory advice 22¹;
 - b. receive and utilise information and/or documentation provided to the OfS by a participating provider and by the provider’s student contact, on a mandatory or voluntary basis, for the purposes of a TEF assessment. This may include, but is not limited to, information contained in a ‘provider submission’, a ‘student submission’ and in any representations made by a provider, as set out in regulatory advice 22;
 - c. utilise data produced by the OfS relating to providers participating in the TEF, comprising ‘TEF indicators’ and ‘accompanying data’ as set out in regulatory advice 22;
 - d. request that the OfS seeks verification of information contained in a ‘provider submission’ or ‘student submission’ from a participating provider or a participating provider’s student contact, and utilise any information provided in response to such a request;
 - e. provide advice to the OfS on matters relating to the approach to conducting TEF assessments (including, but not limited to, advice in respect of best practice and lessons learned from assessments that have been conducted by the panel or its sub-committees);
 - f. do anything that is ancillary or incidental to paragraphs 1 a., b., c., d. and e. (including, but not limited to, providing reports and other information on the TEF to the OfS).
2. The following are non-exhaustive illustrative examples of decisions which are outside the authority and remit of the panel:
 - a. whether a provider is eligible to participate in the TEF or to retain a TEF rating once awarded;

¹ ‘Regulatory advice 22: Guidance on the Teaching Excellence Framework 2023’ is available at www.officeforstudents.org.uk/publications/regulatory-advice-22-guidance-on-the-teaching-excellence-framework-2023/

- b. whether a provider's participation in the TEF is mandatory or voluntary;
 - c. whether a provider satisfies or has complied with any condition of registration;
 - d. whether to publish any information about a provider's TEF rating or any other information about the affairs of any provider.
3. The chair of the panel has the authority to:
- a. convene and manage any type of meeting of the panel;
 - b. make and manage any type of arrangement for conducting the business of the panel in lieu of a meeting;
 - c. give advice to the panel in respect of conducting assessments or any matters directly or indirectly connected with TEF assessments; and
 - d. do anything that is ancillary or incidental to paragraphs 3 a., b. and c.
4. In the event that the chief executive or any deputy chair of the panel reasonably considers that the chair of the panel is unable to act for any reason (including, but not limited to, in circumstances where the chair of the panel has notified the chief executive or any deputy committee chair that they are unable to act), each deputy panel chair is to be treated as having the same authority of the chair of the panel as set out and described in paragraph 3 of this part.

Part 2: Rules of procedure for the TEF Panel

A. General

1. The validity of any proceedings (including quorum) of the panel is not to be affected by a vacancy among the members or by any defect in the appointment of a member.

B. Membership

1. The panel is to consist of up to 80 members overall and no less than 20 members, including:
 - a. a chair;
 - b. up to two deputy chairs;
 - c. up to two OfS staff members at pay band 11 or above;
 - d. other natural persons who are not OfS staff members. Approximately two thirds are to be persons who have current or recent leadership responsibility for undergraduate learning and teaching at any type of UK higher education provider ("Academic members"). Approximately one third are to be persons who have current or recent experience of representing undergraduate higher education students at any type of UK higher education provider ("Student members").
2. The chair, deputy chairs, OfS staff members, academic members and student members have been appointed to the panel and are listed in Annex A.

C. Meetings, decision making and quorum

1. Meetings of the panel may be held in person, by video or teleconferencing (or any combination of such methods).
2. In lieu of a meeting of the panel decisions may be taken by correspondence (including by email) and the business of the panel may otherwise take place in accordance with any other arrangements made by chair of the panel.
3. The quorum necessary for a decision of the panel (whether taken during a meeting or by correspondence in lieu of a meeting) is:
 - a. Six members for any provisional or final decision about a TEF rating to be awarded to a provider.
 - b. Two members for any other decision.

D. Reporting

1. There is no expectation that the panel provides a written report to the board or any OfS officer or committee.
2. The OfS staff members of the panel will report on the progress and operation of the panel and the panel's rating decisions to OfS directors and the chief executive.
3. The panel, or any sub-committee of the panel established by the OfS chair and/or chief executive to conduct assessments, will:
 - a. Produce and provide to the OfS a document setting out the full reasons for the provisional rating decisions it makes for each participating provider (including a provisional 'Panel statement' summarising the main findings). The OfS would normally expect to share this document with the provider, and give the provider an opportunity to make representations, as set out in regulatory advice 22.
 - b. After carefully considering any representations made by providers, produce and provide to the OfS a document setting out the full reasons for the final rating decisions it makes for each participating provider (including a final 'Panel statement' summarising the main findings). The OfS would normally expect to share the document with the provider, and would normally expect to publish the final 'Panel statement'.

Part 3: General purpose and delegated authority of sub-committees of the panel

1. The OfS has established the following sub-committees of the panel:
 - a. 'The Management Group'
 - b. Five 'Panel Sub-groups'
 - c. Two 'Referral Groups'
2. These sub-committees of the panel will normally be utilised to act on behalf of the panel for the purpose of managing and conducting TEF assessments for any purposes within the scope of the panel's authority.

3. The **Management Group** has (non-exclusive) authority to:
 - a. determine which providers should be allocated to each sub-committee for assessment;
 - b. determine which members of a sub-committee should lead on producing a recommendation about a provider's ratings to the sub-committee;
 - c. decide that a provider should be referred to the Referral Groups for a provisional decision (in addition to any providers that the Panel Sub-groups refer to the Referral Groups);
 - d. determine which providers should be allocated to each Referral Group;
 - e. determine the general arrangements for the sub-committees to conduct their business, through meetings or any other arrangements in lieu of meetings;
 - f. determine which requests made by a sub-committee to verify information in a submission should be pursued by the OfS;
 - g. give advice to sub-committees or panel members on any matters directly or indirectly connected with TEF assessments (including, but not limited to: advice relating to the consistent application of the guidance set out in regulatory advice 22; advice relating to the writing and content of the sub-committees' documents, and advice on the application of the conflict of interest procedures set out in Annex B); and
 - h. do anything that is ancillary or incidental to paragraphs 3 a., b., c., d., e., f. and g.
4. Each **Panel Sub-group** has (non-exclusive) authority to:
 - a. conduct assessments of those providers allocated to it by the Management Group, in accordance with regulatory advice 22 and any advice given by the Management Group, and for each provider either:
 - i. make a provisional decision about the ratings to be awarded to the provider. Where a provisional decision is made by the Panel Sub-group but has not yet been issued to the provider, and the Management Group decides to refer the matter to the Referral Groups, the Panel Sub-group's provisional decision is to be treated as a non-binding recommendation to the relevant Referral Group.
 - ii. refer the provider to the Referral Groups for a provisional decision. Such referrals should be made where a Panel Sub-group considers a case is more complex, as set out in regulatory advice 22.
 - b. receive and utilise information and/or documentation provided to the OfS by a participating provider and by the provider's student contact, on a mandatory or voluntary basis, for the purposes of a TEF assessment. This may include, but is not limited to, information contained in a 'provider submission' and a 'student submission', as set out in regulatory advice 22;
 - c. utilise data produced by the OfS relating to providers participating in the TEF, comprising 'TEF indicators' and 'accompanying data' as set out in regulatory advice 22;

- d. request that the OfS seeks verification of information contained in a TEF submission from a participating provider or a participating provider's student contact, and utilise any information provided in response to such a request;
 - e. provide advice to the OfS on matters relating to the approach to conducting TEF assessments (including, but not limited to, advice in respect of best practice and lessons learned from assessments that have been conducted by the sub-committee);
 - f. do anything that is ancillary or incidental to paragraphs 4 a., b., c., d. and e. (including, but not limited to, providing reports and other information on the TEF to the OfS).
5. Each **Referral Group** has (non-exclusive) authority to:
- a. conduct assessments of those providers referred to it in accordance with regulatory advice 22 and any advice given by the Management Group, and make a provisional decision about the ratings to be awarded to a provider;
 - b. after providers have had an opportunity to make representations about the provisional decisions, carefully consider any representations and make final decisions about the ratings to be awarded to providers;
 - c. receive and utilise information and/or documentation provided to the OfS by a participating provider and by the provider's student contact, on a mandatory or voluntary basis, for the purposes of a TEF assessment. This may include, but is not limited to, information contained in a 'provider submission', a 'student submission' and in any representations made by a provider, as set out in regulatory advice 22;
 - d. utilise data produced by the OfS relating to providers participating in the TEF, comprising 'TEF indicators' and 'accompanying data' as set out in regulatory advice 22;
 - e. request that the OfS seeks verification of information contained in a TEF submission from a participating provider or a participating provider's student contact, and utilise any information provided in response to such a request;
 - f. provide advice to the OfS on matters relating to the approach to conducting TEF assessments (including, but not limited to, advice in respect of best practice and lessons learned from assessments that have been conducted by the sub-committee);
 - g. do anything that is ancillary or incidental to paragraphs 5 a., b., c., d., e. and f. (including, but not limited to, providing reports and other information on the TEF to the OfS).
6. The chair of each Referral Group has the authority to:
- a. convene and manage any type of meeting of the respective Referral Group;
 - b. make and manage any type of arrangement for conducting the business of the respective Referral Group in lieu of a meeting;
 - c. give advice to the respective Referral Group in respect of conducting assessments or any matters directly or indirectly connected with its TEF assessments; and

- d. do anything that is ancillary or incidental to paragraphs 6 a., b. and c.
7. In the event that the chief executive or the deputy chair of a Referral Group considers that the chair of the respective Referral Group is unable to act for any reason (including, but not limited to, in circumstances where the chair of the respective Referral Group has notified the chief executive or deputy chair that they are unable to act), the deputy chair of the respective Referral Group is to be treated as having the same authority of the chair of the respective Referral Group as set out and described in paragraph 6 of this part.
8. The non-exhaustive illustrative examples of decisions which are outside the authority and remit of the panel set out in paragraph 2 of part 1 also apply to all sub-committees. In addition:
 - a. The Management Group does not have the authority to make provisional or final decisions about the ratings to be awarded to a provider.
 - b. The Panel Sub-groups do not have the authority to make final decisions about the ratings to be awarded to a provider.

Part 4: Rules of procedure for sub-committees

A. General

1. The validity of any proceedings (including quorum) of any sub-committee is not to be affected by a vacancy among the members or by any defect in the appointment of a member.

B. Membership

1. The membership (including chairs and deputy chairs where applicable) of the Management Group, the five Panel Sub-groups and the two Referral Groups is listed in Annex A.
2. It is intended that the membership of each Panel Sub-group comprises approximately eight academic members and four student members; and that a number of members from each of the Panel Sub-groups will be members of each Referral Group.
3. Members of any sub-committee are appointed by the OfS chair and/or chief executive in accordance with the OfS scheme of delegation.

C. Meetings, decision making and quorum

1. Meetings of any sub-committee may be held in person, by video or teleconferencing (or any combination of such methods).
2. In lieu of a meeting of any sub-committee, decisions may be taken by correspondence (including by email).
3. The business of the sub-committees may also take place in accordance with any other arrangements made by the Management Group.
4. The quorum necessary for any decision of a sub-committee (whether taken during a meeting or by correspondence in lieu of a meeting) is:
 - a. For the **Management Group**, two members.

- b. For a **Panel Sub-group**, six members.
 - c. For each **Referral Group**, six members.
5. Decisions are to be reached on the basis of a system whereby, subject to the exception explained below, each member of a sub-committee has one vote, and any type of decision will be treated as being validly made if two-thirds or more of the total number of votes are made in favour of that decision. The exception is that in the event of a deadlock in respect of the number of votes made for and against any decision by the Management Group or a Referral Group, the chair's vote is to be treated as two votes.
 6. Where there are fewer than two-thirds of the total number of votes in favour of a Panel Sub-group's provisional rating decision about a provider, the provisional rating decision for that provider is to be referred to the Referral Groups.
 7. In the event that the members of a Panel Sub-group are unable to reach a unanimous provisional rating decision, the Panel Sub-group is expected to inform the Management Group of the main reasons why any members of the Panel Sub-group disagree with the decision. The Management Group may in this case refer the provisional rating decision for that provider to the Referral Groups. However, any failure to inform the Management Group will not in any way affect the validity of any decisions taken by the sub-committee.

Part 5: Provisions applying to the whole of this document

1. All words and expressions contained in this document (excluding those expressly defined in this document), and all matters arising in respect of the scope of any delegated authority provided for in this document, are to be interpreted (and, as the case may be, resolved) in accordance with all the provisions set out in Part 9 of the OfS scheme of delegation.²
2. In this document any reference to "other person" includes (in so far as is relevant to the context), but is not limited to, an unregistered higher education provider.

² The OfS scheme of delegation is available at: www.officeforstudents.org.uk/about/who-we-are/our-board-and-committees/