

EQAR Input to MAP-ESG

Register Committee

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1. Introduction

The European Quality Assurance Register for Higher Education (EQAR) has been using the Standards and Guidelines for Quality Assurance in the European Higher Education Area (European Standards and Guidelines, ESG) as criteria for inclusion on the Register of quality assurance agencies, according to its mandate given by ministers and EQAR’s founders. EQAR has evaluated applications from 35 quality assurance agencies since it opened for applications in August 2008.

EQAR welcomes the E4 Group initiative to measure and evaluate the implementation and application of the ESG with a view to recommendations as to possible revisions. EQAR is committed to contribute to that process on the Advisory Board of the MAP-ESG project.

This statement sets out the strengths and challenges observed by the EQAR Register Committee in using the ESG. EQAR considers important that these are taken into account in the current review of the ESG.

2. Purposes of the ESG

The ESG set out the following purposes (p. 13):

- to improve the education available to students in higher education institutions in the EHEA;
- to assist higher education institutions in managing and enhancing their quality and, thereby, to help to justify their institutional autonomy;
- to form a background for quality assurance agencies in their work;
- to make external quality assurance more transparent and simpler to understand for everybody involved.

The following wider objectives were formulated (p. 14):

- to encourage the development of higher education institutions which foster vibrant intellectual and educational achievement;
- to provide a source of assistance and guidance to higher education institutions and other relevant agencies in developing their own culture of quality assurance;
- to inform and raise the expectations of higher education institutions, students, employers and other stakeholders about the processes and outcomes of higher education;
- to contribute to a common frame of reference for the provision of higher education and the assurance of quality within the EHEA.

At the same time, the authors of the ESG stressed that they should not “dictate practice or be interpreted as prescriptive or unchangeable” (p. 13). The ESG developed primarily as a tool supporting development of quality assurance systems at institutional and external level, rather than as threshold standards.

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3. Main Strengths

The ESG appear to have served as a strong driver for change and development of national and institutional quality assurance systems. They have fulfilled their purpose of providing a common background for the work of quality assurance agencies and serving as a common reference for higher education institutions.

Since the beginning of the Bologna Process, national governments in the European Higher Education Area (EHEA), quality assurance agencies and higher education institutions alike have undertaken to develop or reform their quality assurance practices. The establishment of the ESG reinforced this development and encouraged countries to align their systems with the agreed principles set out in the ESG. In many countries, it is a priority that the national arrangements should be (made) compatible with the ESG. Taking into consideration the national and regional differences in Europe this is a major achievement.

In providing such a common framework the ESG have also established a basic common language and thereby help making quality assurance understood across borders.

One key factor for the success of the ESG certainly is the fact that they were developed jointly by quality assurance agencies, higher education institutions and students, based on a mandate of Bologna Process ministers, who also adopted the ESG.

Consequently, the ESG have enjoyed support of all stakeholders and are broadly recognised across the EHEA by those involved in quality assurance.

Through being enshrined in the ESG, even principles that were traditionally controversial in some contexts, such as the publication of reports or the involvement of stakeholders, have become more widely accepted in the EHEA.

The ESG have served as a basis for mutual trust, cooperation and benchmarking among quality assurance agencies. The existence of common principles for external quality assurance procedures, for instance, made it easier for there to be cooperation of quality assurance agencies across borders in modelling joint external quality assurance procedures for joint study programmes. Other agencies used the ESG as a reference framework to systematically compare and benchmark their activities with agencies inside or outside Europe.

Existing studies suggest that the ESG have inspired the development of quality assurance systems at institutional level, both directly and indirectly through references in quality assurance requirements formulated at national level.

While the approaches to internal and external quality assurance, and the procedures actually used, differ widely across Europe, the ESG have successfully set out the cornerstones of what might be called the “European quality assurance approach”. The diversity of practices and procedures can be seen as one feature of that approach. Other key features include the primary responsibility of HEIs for quality assurance, the active role of students and stakeholders, as well as the publication of reports.

4. Nature of the ESG and “Substantial Compliance”

While not one of their declared purposes, the ESG have been used as a compliance instrument. Some quality assurance agencies apply part 1 of the ESG directly as criteria in their accreditation or audit processes. EQAR has been using the ESG (parts 2 and 3) as criteria for inclusion on the Register of quality assurance agencies; ENQA has been using them as membership criteria.

This has sometimes led to unrealistic expectations of a “checklist-type” consistency in deciding on compliance with the ESG. However, given the nature of the ESG and the notion of “substantial compliance”, such expectations cannot be fulfilled and disagreements on borderline judgements must be accepted as a natural consequence of the approach.

The ESG include a wide range of principles and elements that should be part of an established quality assurance system. Some standards and

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their respective guidelines are broader than others, and some aspects are duplicated in the ESG. Thus, it would not be prudent to use the ESG as a checklist *de facto*.

Hence, EQAR does not use a numerical formula in determining what constitutes “substantial compliance” with the ESG. Falling short of one specific aspect of the ESG might be acceptable if that is the only shortcoming, but in another case might add up to a list of issues that result in an agency not being considered substantially compliant in the end.

In reviewing the ESG it should be considered what nature and style is appropriate for the ESG, bearing in mind that – although originally not intended – they are used as threshold standards in practice. It should also be considered how the notion of “substantial compliance” could be clarified.

It might further be useful to clarify which of the various elements and principles enshrined in the ESG are crucial, indispensable features of a credible and legitimate quality assurance system in line with European standards, and which ones are other important, but less crucial, aspects. For instance, the publication of system-wide analyses (ESG 2.8) might be considered less crucial than the existence of clear criteria (ESG 2.3) or the independence of the agency (ESG 3.6).

In considering individual cases there have frequently been different views as to how flexibly the ESG should be interpreted and applied in the light of the national context and particularities, for instance in legislation.

Given the diversity of European higher education systems it is inevitable that teams of experts make judgements on a quality assurance agency’s activities against the ESG and in the light of its national context. This is the nature of peer review and requires considerable analysis and judgement by the teams, which form the basis for EQAR’s decisions.

In order to enable these judgements to be made consistently it is imperative that the ESG are formulated as concisely and unambiguously as possible. This is especially important in a context where the ESG are not only used for development purposes, but also as threshold standards.

5. Developing Context

The ESG were developed in a context of external quality assurance being organised predominantly at national level. Consequently, the ESG emphasise subsidiarity and national autonomy in implementing the agreed principles.

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National¹ authorities put in place quality assurance systems for their jurisdiction, including an external quality assurance agency. In that context, any given higher education institution (and its programmes) would normally be subject to periodic external quality assurance by always the same agency.

In that setting it is usually in the agency's remit to fulfil a specific aspect of the ESG (parts 2 and 3). If the agency cannot do so because of its legal basis, the government could empower the agency to do so, or change the legal framework. It could be determined in each specific case what was practically in the remit of the agency, and what could only be changed by/after legislative changes.

In some European countries, however, HEIs can choose from amongst several (nationally licensed or recognised) agencies for their compulsory accreditations or evaluations. These systems only partly fit in the "traditional" context. For certain aspects of the ESG, e.g. periodic reviews (2.7) and system-wide analyses (2.8), it may be subject to dispute whether they are in the remit of individual agencies, or need to be dealt with at system level.

Over the past years and, amongst others, due to the establishment of EQAR, the context has changed in some cases.

An increasing number of agencies conduct evaluations or audits of higher education institutions outside the countries in which they enjoy official, formal recognition, often based on voluntary assignments and thus as a (commercial) service, rather than as a statutory function.

As of 2011, 37% of all EQAR-registered agencies operate in more than one country. Only in some cases is this due to official recognition in several countries. Of 45 quality assurance agencies participating in a survey conducted by EQAR in 2010, 53% stated that they work with institutions "outside the country/-ies in which [they] are registered".

In ENQA's 2008 survey "Quality Procedures in the European Higher Education Area and Beyond", almost 90% of agencies specified that their "primary domain" was national, only four agencies stated that their "primary domain" was international. The term "primary domain", however, appears to reflect that agencies also undertake (additional) quality assurance activities outside of it. These might or might not be formally recognised as external quality assurance activities in the sense of fulfilling higher education institutions' statutory obligations in a certain country.

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¹ For the purpose of this statement this includes regional or other sub-national authorities, as well as a defined group of two or more national authorities in cooperation. In some countries, higher education institutions themselves might be considered the authorities in charge.

a) The remit of agencies vs. national systems

More recently, countries have begun to recognise all EQAR-registered agencies in their jurisdiction (e.g. Austria, Denmark, Lithuania, Romania). These countries allow HEIs to choose from amongst all registered agencies, either generally for all external quality assurance obligations or under specific conditions, such as for joint programmes or after initial accreditation. Other countries (Flemish Community of Belgium, Finland, Liechtenstein) plan to introduce such formal recognition of EQAR-registered agencies.

In these countries, the “traditional setting” – one agency being in charge of a clearly defined group of institutions, or one institution being subject to periodic external quality assurance by one and the same agency – is no longer the only reality. In these changed circumstances – where one institution might work with several, changing agencies – a clear distinction is warranted between requirements that have to be met at system level, on the one hand, and those in the remit of agencies themselves, on the other hand.

For instance, ESG 2.7 (periodic reviews) also refers to a characteristic of the national (or regional, or bi-national) legislative system. In systems that allow HEIs a choice from amongst different agencies it is a question of applicable legislation, rather than relating to the capacity of a specific agency, whether or not periodic reviews effectively take place.

The new circumstances described above should be considered in reviewing the ESG. It might be necessary to clarify which standards and guidelines effectively address what is in the remit of agencies and institutions, as opposed to aspects in the remit of governmental authorities and their responsibility for the legal framework.

b) The type of activities covered by the ESG

The ESG do not specify clearly whether or not they cover voluntary, “non-statutory” quality assurance activities such as described above.

Some ESG indicate that they do not cover such activities: Periodic or cyclical reviews (ESG 2.7) can only be ultimately “enforced” by laws or by an agency with own formal authority. An agency can only fully meet this standard if it is permanently embedded in a national system. However, in a system where institutions can turn to several agencies, one agency *itself* cannot effectively ensure periodicity of reviews.

The requirement to be “formally recognised by competent public authorities in the [EHEA] as [agency] with responsibilities for external quality assurance” (ESG 3.2) will be difficult to meet for “self-appointed” agencies.

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On the other hand, the initial proposal for a register of agencies, which is part of the ESG, explicitly recognises the activity of agencies that are “not nationally recognised” (p. 29) and states that those “must also be allowed to opt for a review that assesses its compliance with the European standards” (p. 29) and should be included in a register of agencies according to their level of compliance. This would indicate that the authors envisaged the ESG (and EQAR) to include also non-statutory quality assurance activities.

It is not always clear whether governments recognising all EQAR-registered agencies desire to also open the opportunity for such “self-appointed” agencies that are not already recognised by national law in some country, but would only acquire recognition by virtue of being on the Register.

It is essentially a policy question whether cross-border recognition of quality assurance agencies and their decisions/outcomes should take place between those agencies established (or mandated) by national authorities, or should be open to non-national, non-statutory organisations, provided they comply with the ESG.

There is a need for a policy discussion on that question, which would impact both the required characteristics of the ESG as well as the role of EQAR.

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6. Challenges Encountered

In the following, a number of specific challenges encountered in EQAR’s work with the ESG are set out.

a) Meta-level activities

In a few cases, the ESG were used as a reference to evaluate activities that are not directly dealing with institutions, but situated at meta-level. This includes exercising oversight over quality assurance agencies or setting standards for use in quality assurance of higher education.

EQAR came to the conclusion that the ESG address *direct* external quality assurance activities in higher education, i.e. audit, accreditation, evaluation or other types of review of higher education institutions, programmes or other units. Standards 2.1, 2.7, 3.3 and 3.7 particularly refer to such activities.

EQAR found that the ESG are not applicable to meta-level activities and, consequently, not applicable to organisations conducting only such meta-level activities, but not having direct external quality assurance functions.

It might be beneficial to clarify more explicitly which types of activities are addressed by the ESG.

b) Structure of ESG parts 2 and 3

The current ESG address external quality assurance (part 2) and quality assurance agencies (part 3). This distinction between the quality assurance activities or procedures that agencies implement, on the one hand, and agencies as organisations, on the other hand, has proven useful.

There are, however, two standards which are not consistent with that structure: ESG 2.8 (System-Wide Analyses) is a requirement addressing the agency as a whole, rather than its different activities or procedures. It would thus better fit into part 3.

ESG 3.7 (...) addresses the agency’s external quality assurance activities in detail. One would normally expect to find it in part 2 (see also “Duplication” below).

c) Duplication of Elements

There are some duplications in the ESG. In particular, a range of issues are addressed both in standard 3.7 as well as in part 2.

This includes, for instance the existence of predefined and published criteria (2.3), the typical four step model (self-evaluation, site visit by experts, external report, follow-up, see 2.4) and the publication of reports (2.5).

It would be helpful to remove such redundancies so as to ensure that the same issue is addressed once and always under the same heading.

The duplication of elements is particularly problematic where issues are not addressed entirely consistently. This easily happens due to different wording in ESG 3.7 versus part 2, or due to the fact that the same issue might be part of the standard 3.7 and is addressed in greater detail, but only as a guideline in part 2.

One example is the participation of students, which is tackled in standard 3.7 and in guideline 2.4 in a slightly different wording. Another example is site visits, which are mentioned as a standard practice in the guideline to 2.4, while their mention in standard 3.7 is qualified by “as decided by the agency”.

In reviewing the ESG the importance of internal coherence should be considered.

d) The Role of Standards vs Guidelines

The guidelines set out to “provide additional information about good practices and [...] explain in more detail the meaning and importance of the standards” (p. 15). At the same time, in some cases the guidelines mention aspects that might be seen to reach beyond what is required by the text of the standard. The question has frequently been raised how

“binding” these should be considered as they are only subtly implied in the corresponding standard.

In particular, there are aspects currently addressed “only” in the guidelines, even though they are widely regarded as important features of a credible quality assurance activity:

- Participation of international experts in reviews (2.4)
- Presence of an official appeals or complaints procedure (3.7)

It would thus be useful to consider the distinction between standards and guidelines. This includes the questions which issues should be addressed in a standard and which in a guideline, as well as how a standard needs to be formulated as opposed to a guideline.

e) Missing aspects

It should be considered some aspects are currently not addressed by the ESG:

- The guideline to ESG 3.8 expects quality assurance agencies to ensure the quality of subcontracted activities.

It might be considered whether it would be useful to also have a more general requirement that agencies should work and communicate in a reputable manner. This would, for instance, mean not cooperating with “accreditation mills”, or other disreputable or dubious bodies.

While this goes without saying, it might be useful to include a specific reference in order to raise awareness of the practices of disreputable players.

- If the ESG were to become explicitly open to self-appointed, private quality assurance providers, it should be considered whether additional requirements would be needed.

For instance, it would need to be clear whether agencies could only be non-profit or charitable organisations, or also profit-oriented.

Another necessary requirement could be that agencies only accredit (programmes at) institutions which are officially recognised where they operate.

7. Concluding remarks

The ESG have been a valuable and useful tool for developing quality assurance in the European Higher Education Area (EHEA). They have inspired change at various levels and constitute the foundation of the European infrastructure aimed at enabling different quality assurance systems to articulate better with each other.

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The changing context and realities of quality assurance in Europe, especially the diverse legal and regulatory setups for external quality assurance, pose new challenges for the ESG as well as EQAR, which need to be taken into account in reflecting on the role and nature of a European reference framework for quality assurance.

It would be useful if the ESG were to offer clear and distinctive definitions of key terms such as “evaluation”, “assessment”, “review”, “audit” and “accreditation”, in order to clarify which activities they address.

In the light of the recent more general debates in the European higher education policy community it could also enhance clarity to address the differences in aims and methodologies, as well as the possible interaction, between quality assurance, transparency tools and rankings. Similarly, it could be beneficial if the ESG articulate (possibly in a foreword or other supplementary text) the relations of quality assurance to other tools and initiatives of the Bologna Process, such as ECTS and qualifications frameworks, so as to enhance the coherence of the European infrastructure.

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