

Analysis of Register Committee Decisions and Quality Assurance Agencies' Compliance with the ESG

(29 August 2018)

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1. Introduction

At the proposal of the E4 Group¹, the European ministers of higher education adopted in 2005 a set of common principles and reference points for internal and external quality assurance of higher education – the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) – and in 2007 welcomed the establishment of a register of quality assurance agencies that substantially comply with the ESG – the European Quality Assurance Register for Higher Education (EQAR). The ESG were later on revised, with the ESG 2015 adopted by ministers of higher education at the Yerevan Ministerial Conference.

Inclusion on the Register is open to all quality assurance agencies that work within the EHEA, irrespective of their base country, focus of activities (regional, national, international) or type of external QA, as long as they can demonstrate compliance with the ESG.

2. How the Register works

The decision-making on ESG compliance is in the hands of the EQAR Register Committee, an independent body consisting of experts in quality assurance of higher education. The Committee decides on the basis of an external review of the quality assurance agency in question (see below).

The Register Committee makes a separate assessment for each of the standards in Part 2 (which, through standard 2.1, incorporates Part 1) and Part 3 of the ESG, and then concludes on the agency's compliance with the ESG as a whole.

In addition to reviewing agencies' compliance with the ESG when they apply for registration, the Register Committee has put in place a number of measures to ensure the transparency and reliability of the Register:

- Agencies have to renew their registration on EQAR every five years, undertaking a new external review of their activities according to the ESG.
- Agencies are asked to submit Substantive Change Reports in case there are any changes to their organisational structure, statutes or methodology, to ensure that information on the EQAR Register is updated and that changes are compatible with the ESG.
- For cases where there are substantiated doubts about a registered agency's credibility and compliance with the ESG, such doubts can be brought to EQAR's attention through its Complaints Policy.
- All decisions by the Register Committee (on applications for registration, renewals, substantive change reports and eventual complaints) are published to ensure transparency and avoid misinformation about EQAR decisions.

The following pages provide an analysis into the applications for renewal and initial inclusion of quality assurance agencies and the decisions by the Register Committee. Further analysis is provided into the changes of registered agency's activities, organisational structure, their mergers and complaints.

2.1 Overview of applications

On average, EQAR has received 5-6 new applications for inclusion on the Register per year, showing a continuous increase of ESG-compliant agencies on the Register (see Table. *Overview of all applications to the Register*). The higher number of applications of initial inclusion between 2008 and 2010 is a result of the legacy agency reviews carried out before EQAR was established.

Since the Register Committee started its work in 2008, the Committee has considered over 106 applications for inclusion and renewal of registration, of which 69 applications of initial inclusion and 37 applications for renewal of registration.

	2008-2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
A Initial Applications	31	5	3	5	8	6	2	3	6	69

B	Approved	25	4	3	5	6	6	2	3	2	56
C	Withdrawn	3	1	-	-	1	-	-	-	3	8
D	Rejected	3	-	-	-	1	-	-	-	1	5
F	Renewal Applications	-	3	4	1	6	4	3	13	3	37
G	Approved	-	3	4	1	6	4	3	11	1	34
H	Withdrawn	-	-	-	-	-	-	-	-	-	-
I	Rejected	-	-	-	-	-	-	-	2	-	2
E	Pending	-	-	-	-	-	-	-	-	2	2
J	Appeals	1	-	-	-	-	1	-	-	1	3
K	Successful	1	-	-	-	-	-	-	-	-	1
L	Unsuccessful	-	-	-	-	-	1	-	-	1	2
M	Registration ended/expired	-	1	2	3	1	-	-	-	-	7
N	Registered	25	28	29	31	37	42	44	46	46	46
Total number of applications processed by the Register Committee (A+F)											106

Table. Overview of all applications to the Register (2008- June 2018)

In June 2015, following the adoption of the revised ESG, the Register Committee adopted EQAR's Policy on Transition to the ESG 2015. This change accounts for the lower number of applications that were received in 2016, as most agencies have chosen to benefit from an extension of their registration period so as to adapt their processes and procedures to the new version of the ESG.

2.2 Compliance with the ESG 2015

Since ESG 2015 were adopted EQAR considered 29 applications, of which 11 applications for initial inclusion and 18 applications for renewal of registration. On 24 applications a final decision was made. Of the five remaining applications, two were deferred and are currently pending additional representation or clarification, while three initial applications were withdrawn. The 29 applications were considered within five different meetings of the Register Committee over a period of two years (6/6/2016 – 13/06/2018).

Of the 24 applications, the Register Committee concluded that 22 applications were in substantial compliance with the ESG as a whole. For two applications the Committee was unable to conclude that the agency complies substantially with the ESG and therefore rejected the application.¹

Considering the compliance level with each of the standards of ESG parts 2 and 3, the Register Committee most frequently reached the conclusion of compliance (78%) and for all other cases the Committee concluded on partial compliance (21%). A non-compliance judgement was not reached for any of the standards considered.

A closer look at the individual standards revealed that agencies were found to be most often only partially complying with standard *2.7 Complaints and appeals* (11 of the 24 agencies). Other areas where the Register Committee found significant shortcomings and concluded

for at least seven of the 24 agencies that they are only partially compliant were the standards (see chart below, ordered by the no. of PC), 2.6 Reporting, 3.1 Activities, policy and processes for quality assurance. 3.4 Thematic analysis and 2.5 Criteria for outcomes.

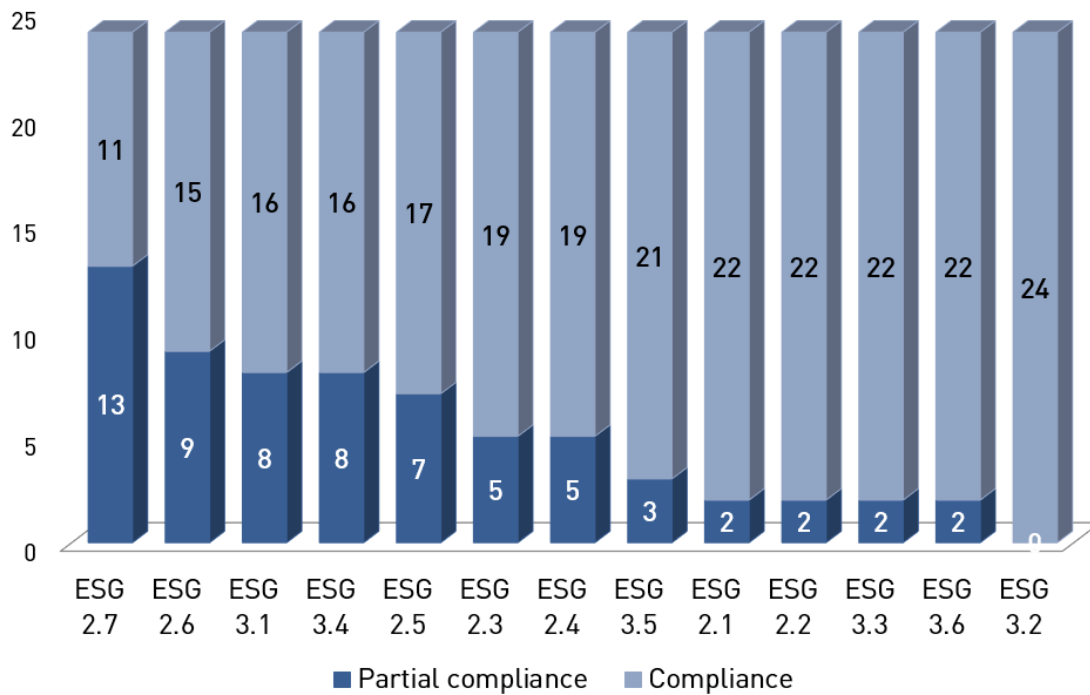


Chart. Register Committee conclusion on compliance and partial compliance.

2.3 Register Committee and review panels conclusion

EQAR does not carry out its own reviews, but relies on the external reviews carried out by organisations such as the European Association for Quality Assurance in Higher Education (ENQA, 80% of the total reviews) or, until recently, the German Accreditation Council (GAC). The Register Committee considers the review reports and recommendations of the panel in making its own judgement.

Comparing the analyses and judgement of the review panels and the Register Committee, the Committee reached the same conclusion on ESG 2.2 and ESG 3.2 for each of the 24 applications. The Committee's judgement, however, sometimes differed from that of the review panel, in particular when considering ESG 2.6, ESG 3.1, ESG 2.7 and ESG 2.3. In these cases the Committee concluded on *partial compliance* in four to six different applications, while the panel's conclusion was either full or substantial compliance with the standard. The Committee also concluded differently to the judgement of the review panel in two applications when considering ESG 3.3, ESG 2.5, ESG 2.4 and ESG 2.1 (see chart below).

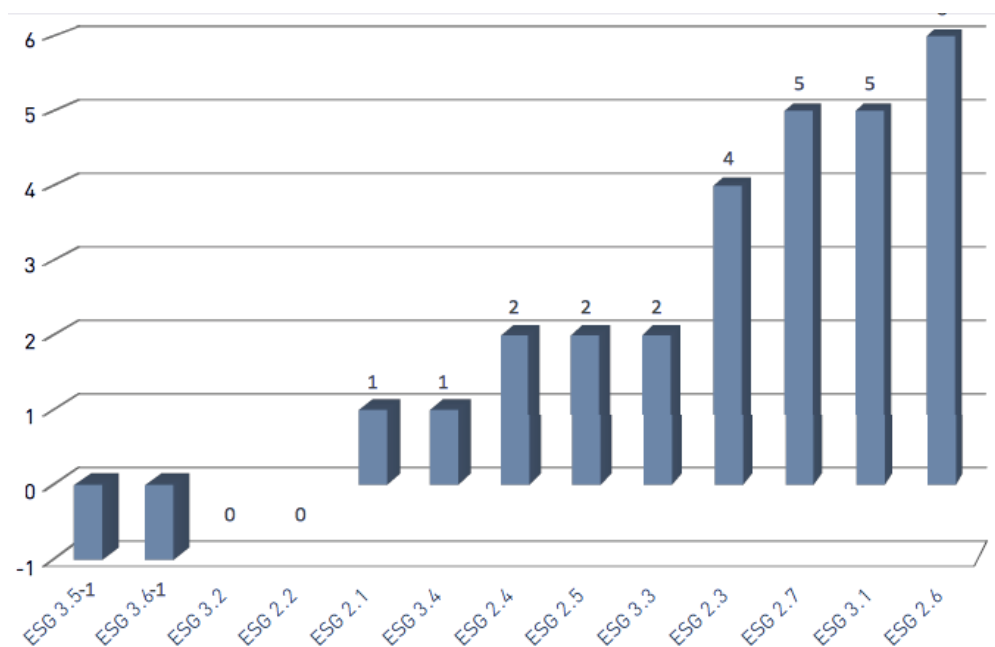


Chart. Comparison of Register Committee and review panel conclusions (24 applications, 2015-2018).

In making its decision on **ESG 2.6** Register Committee concluded on partial compliance if it found that previously flagged issues, e.g. the publication and readability of all reports, were insufficiently addressed or if the intention of improvement by the agency have not been documented by the panel.

In some cases, the Register Committee did not find sufficient grounds to conclude compliance, even though the panel considered that compliance was reached, in regard of the involvement of stakeholders in the governance of the organisation or the separation of external quality assurance procedures from other activities, especially consultancy services, offered by the agency (**ESG 3.1**).

In addressing **ESG 2.7**, the Register Committee was unable to concur with the panel's conclusion of compliance in those cases where implementation was not proven or a number of failings were identified within the appeals and complaints procedures i.e. impartiality of the process or composition of the Committee.

On **ESG 2.3**, in some cases the Register Committee identified a lack of consistency in the agency's processes or an insufficiently developed follow-up process, and was unable to concur with the review panel's conclusion of (substantial or full) compliance.

In two cases the conclusion of the Committee was more positive than that of the panel. These related to standards **3.5 Resources** and **3.6 Internal quality assurance and professional conduct**, where the Committee concluded that the agencies were in fact compliant, rather than only partially compliant, with that standard.

3. Analysis of clarification requests

The Register Committee had a number of follow-up questions in order to clarify certain issues concerning the compliance of an agency with individual standards and thus to inform the consideration of the agency's application.

In relation to the 24 applications considered, 18 clarification requests were addressed in order to clarify issues concerning 15 applications. Most queries were referred to the review panel; only in some exceptional cases clarification was sought from the concerned agency, the review coordinator or the external decision making body of the agency.

Issues that were frequently raised within the clarification requests concerned:

- whether some activities fall within the scope of the ESG and if they have been addressed by the panel (ESG 3.1);
- how the agency ensures a clear distinction between regular external QA activities and other fields of work (ESG 3.1);
- compliance and mapping of ESG Part 1 when no detailed comparison between the agency's criteria and ESG Part 1 was available (ESG 2.1);
- how the agency ensures its organisational and operational independence (ESG 3.3);
- the practice in the publication of some of the agency's reports (ESG 2.6);
- Issues that were also raised by EQAR, although less frequently were concerned with:
 - effectiveness of the monitoring processes (ESG 2.3);
 - involvement of students in some type of external QA procedures (ESG 2.4);
 - the publication of criteria and procedures for some type of activities (ESG 2.5);
 - how the agency handles complaints and appeals (ESG 2.7);

Clarification requests in relation to individual standards:	No. of requests
ESG 3.1 Activities, policy and processes for quality assurance	10
ESG 2.1 Consideration of internal quality assurance	4
ESG 3.3 Independence	4
ESG 2.6 Reporting	4
ESG 2.3 Implementing processes	2
ESG 2.4 Peer-review experts	2
ESG 2.5 Criteria for outcomes	2
ESG 2.7 Complaints and appeals	2
ESG 3.6 Internal quality assurance and professional conduct	1

Table. Overview of clarification requests

4. Analysis of change reports, mergers and complaints

All registered agencies are expected to inform EQAR about changes to their legal form and status, amendments to their statutes and substantial changes in their process or methodology. Since 2008, the Register Committee considered a total of 30 such change reports.

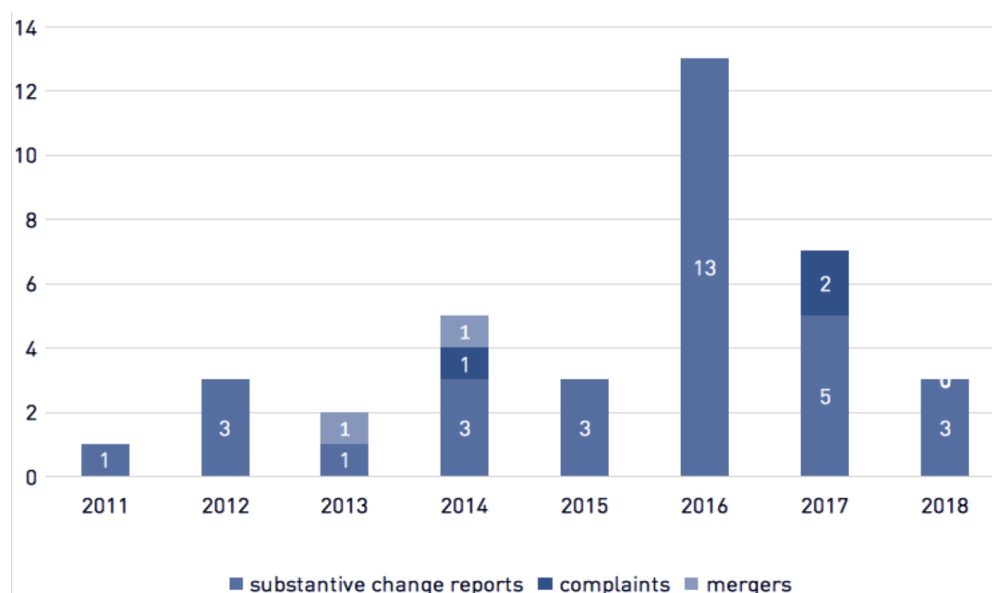
Most of the change reports were sent following the adoption of the ESG 2015 (22 substantive change reports), with the highest number of changes being reported in 2016: 13 agencies submitting change reports. The high number of reports is explained by changes in the agencies' procedures and criteria following their transition to the ESG 2015 (see table and chart below). Most agencies report changes in their external quality assurance activity, either changing existing procedures or introducing new type of activities (see table below).

Considering fundamental changes in the structure of agencies (organisational changes), three of the registered agencies reported such changes over the years. Two of the listed agencies merged with each other (VLIR and VLHORA merged into VLUHR QA) and one agency merged into a new entity (FINHEEC to FINEEC). Reviewing their case against the Merger Policy, the Register Committee found that the agencies met the requirements for provisional registration and therefore granted a provisional extension of registration.

Type of change	Number of registered agencies
Changes in existing external quality assurance activities	13
Changes in the organisational structure	12
New external quality assurance activities	9
Discontinuation of existing activities	7
Changes in the organisational identity	6

Table. Summary of change reports (Sept. 2015 – Dec. 2017)

Since the Register was set up, EQAR received four complaints concerning three of the listed agencies. Of these four complaints, only one was formally admissible according to the Complaints Policy and the Register Committee decided to issue an official warning, which was communicated to the agency and published on the Register entry of the concerned



agency.

Chart. Evolution of the submission of Substantive Change Reports, Mergers and Complaints.

5. Analysis of eligibility confirmations

Starting with August 2015, all applications for inclusion or renewal of registration on EQAR begin with an eligibility stage, which precedes the external review of the agency. Agencies are requested to describe their full range of activities and to state which activities they themselves consider to be within the scope of the ESG.

Over the course of more than two years (September 2015 - June 2018) the Register Committee received and processed 51 eligibility applications.

A number of interesting aspects surfaced in examining the eligibility applications:

- Half of the applicant agencies considered one or more of their activities to be outside the scope of the ESG (and therefore EQAR-registration), which were, however, considered by the Register Committee to be within the scope of the ESG.
- About one fourth of applicant agencies declared to be carrying out activities that they considered outside the scope of the ESG, which were found to be within the scope of the ESG by the Register Committee.
- According to the information provided by applicant agencies 77% of them stated they recognise activities or decisions of other QA agencies and 25% of the applicant agencies stated they make external QA decisions based on reviews carried out by other QA agencies.
- One in six applicant QA agencies declared different forms of consulting activities, carried out either by themselves or by a subsidiary. In such situations the Register Committee asked for the review to also address the way in which the agency separates between consultancy and external quality assurance activities.

6. Conclusions

The continuous increase in the number of applications (both initial and renewal of registration) shows that EQAR registration continues to serve as a standard for quality assurance agencies and their compliance with the ESG. The robustness of the Register Committee's procedures is visible in the low number of appeals (two appeals resulting from the 12 rejected / withdrawn applications).

The clear separation of external quality assurance activities from other related fields of work, e.g. consultancy has been identified as a recurrent issue in both eligibility and follow-up clarification questions. The Register Committee has addressed these issues in an addition to the Policy on the Use and Interpretation of the ESG, clarifying the scope of the ESG for the purpose of registration on EQAR and adding a new annex with guiding principles for the clear separation between external quality assurance and other activities. The Register Committee could further follow-up on this matter by monitoring the extent to which the separation of external quality assurance activities and other related fields of work has been addressed in the upcoming external reviews.

Generally the Register Committee followed the analysis and conclusion of the panels for most of the standards, although a number of differences were observed for specific standards, i.e. particularly for ESG 2.3, ESG 2.6, ESG 2.7 and ESG 3.1. In cases where the Register Committee's conclusion on the standards differed from that of the panel, the Committee usually sought clarifications from the chair of the review panel to inform its judgement. Given the fact that the ESG 2015 are still relatively new, such differences of conclusions on these standards are not unusual. Differences could be expected to reduce over time, following the communication between EQAR and the review coordinators, and the training of review panel members before an external review.

The most challenging standards for QA agencies (partial compliance in more than 25% of cases) were related to appeals procedures (ESG 2.7), thematic analyses (ESG 3.4), reporting (ESG 2.6), criteria for outcomes (ESG 2.5) and the involvement of stakeholders/separation between QA and other activities (ESG 3.1).

Many agencies seem to have difficulties in complying with those standards that undoubtedly have become more demanding in the ESG 2015 compared to the ESG 2005:

- **Standard 2.6** specifies that full reports should be published, including any decisions taken on the basis of the report. Not publishing negative reports or decisions, or only publishing summary reports would not be sufficient to be in compliance with the standard.
- **Standard 2.7** is a newly introduced standard referring to appeals procedure and complaints processes. In the previous version of the ESG, appeals procedure was only part of a guideline (ESG 3.7, 2005), having less of an impact on the compliance with the standard.
- **Standard 3.4** has become more demanding, requiring agencies to prepare and publish reports that describe and analyse the general findings of their external QA on a regular basis (ESG 2015), instead of only occasionally (ESG 2005).

Some agencies also had difficulties complying with standards where there was little to no change between ESG 2005 and 2015:

- **Standard 2.5** despite not being a new standard, review panels found shortcoming in the agency's transparent decision-making (i.e. publication of the criteria for all procedures) or in ensuring consistency in the application of criteria.
- Compliance with **standard 3.1**, referring to stakeholder involvement in the governance and work of the agencies and the clear separation between their external QA and other fields of work has been a challenge for one in four agencies. The change to ESG 2015 is mainly related to the specification of the stakeholders to be considered, i.e. *students and staff, as well as external stakeholders such as employers and external partners of an institution*, while agencies' understanding of stakeholder involvement has often had a more narrow interpretation. The separation between activities within and outside the scope of the ESG, to avoid confusion or prevent conflict of interest, has often not been addressed in detail.

Review reports have in particular brought up situations where the existing legal frameworks make it difficult or impossible for agencies to comply with the ESG. Notable cases is standard 2.2, as agencies have a limited involvement in determining the criteria they work with, as this is already defined in detail by the legal framework or by the ministry. Similarly, complying with ESG 2.7 is difficult for some agencies as the appeal system is regulated by the ministry and is not under the agency's own responsibility. In some higher education systems the legal framework implies that reports can only be published (ESG 2.6) with the express permission of the institution in question, therefore making it hard for agencies to publish all reports, especially those with a negative outcome.

Public authorities should in such cases adapt the legal frameworks so as to ensure that legislation is not a barrier to implementing the ESG and thus to ensure that QA agencies can meet the expectations of compliance for EQAR registration².

- ¹See all decisions by the Register Committee at the following link: <https://www.eqar.eu/register/decisions/>
- ²See also results of the EQUIP study: Enhancing quality: from policy to practice http://www.eua.be/Libraries/publications-homepage-list/equip-publication_fi-nal.pdf?sfvrsn=2

7. References

European Association for Quality Assurance in Higher Education (ENQA), 2005, *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (Helsinki, Finland)

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¹The E4 Group consists of the European Association for Quality Assurance in Higher Education (ENQA), European Students Union (ESU), European University Association (EUA) and European Association of Institutions in Higher Education (EURASHE).