

DOUGLAS BLACKSTOCK, PRESIDENT  
CEENQA- ISTANBUL, 23 SEPT 2022

# AGENCIES, INDEPENDENCE AND THE RELATIONSHIP WITH THE ESG

enqa.

THE EUROPEAN ASSOCIATION FOR QUALITY ASSURANCE IN HIGHER EDUCATION

## ENQA RELATIONSHIP WITH AGENCIES AND ESG

- Umbrella NGO for European QA agencies
- Member of the E4 group and partnership relations with EQAR
- Membership organisation of EQA agencies
- 54 members in 32 countries and 55 affiliates in 30 countries
- Conducted 122 agency reviews since 2007

Wrap around review support for agencies to share practice and learn

## MY EXPERIENCE ON THESE ISSUES

- 20 years at QAA in the UK – 14 as Company Secretary
- Oversaw external relations with stakeholders on governance issues
- Involved in three external reviews of QAA – 2008, 2013 and 2018
- Coordinated 2013 review, organising self-evaluation and preparations
- Was CEO for 2018 review – with successful review a performance target!
- ENQA Board member since 2018, President since 2021

# ESG 2015 – SCOPE, CONTEXT AND PRINCIPLES – EXTRACTS I



- A key goal of the ...(ESG)... is to contribute to the **common understanding of quality assurance for learning and teaching** across borders and among all stakeholders
- The ESG are not standards for quality, **nor do they prescribe how the quality assurance processes are implemented**, but they provide guidance, covering the areas which are vital for successful quality provision and learning environments in higher education
- At the heart of all quality assurance activities are the twin purposes of **accountability and enhancement**.

# ESG 2015 – SCOPE, CONTEXT AND PRINCIPLES – EXTRACTS 2



- The EHEA is characterised by its diversity of political systems, higher education systems, socio-cultural and educational traditions, languages, aspirations and expectations. This makes a **single monolithic approach to quality and quality assurance in higher education inappropriate.**
- The **standards** set out **agreed and accepted practice** for quality assurance in higher education in the EHEA and **should, therefore, be taken account of and adhered to by those concerned...**
- The **guidelines** explain why the standard is important and **describe how standards might be implemented.** They set out **good practice** in the relevant area... **Implementation will vary depending on different contexts.**

# ESG 2015 – SCOPE, CONTEXT AND PRINCIPLES – EXTRACTS 3

The ESG are based on the following **four principles for quality assurance in the EHEA:**

- Higher education **institutions have primary responsibility** for the quality of their provision and its assurance
- Quality assurance **responds to the diversity** of higher education systems, institutions, programmes and students
- Quality assurance **supports the development of a quality culture**
- Quality assurance **takes into account the needs and expectations of students, all other stakeholders and society**

## ESG 3.3. INDEPENDENCE

- **Standard:** Agencies should be independent and act autonomously. They should have full responsibility for their operations and the outcomes of those operations without third party influence.
- **Guidelines:** Autonomous institutions need independent agencies as counterparts.

### Key points in guidelines regarding independence:

- Organisational independence, demonstrated by official documentation
- Operational independence: the definition and operation of procedures
- Independence of formal outcomes: the final outcomes of the quality assurance processes remain the responsibility of the agency.

- **Every agency is accountable** and needs to engage with a range of stakeholders. The ESG were co-created, and **co-creation of IQA and EQA features throughout the ESG**. Stakeholders also mentioned in ESG in 1.1, 1.2, 1.8, 1.9, 2.2, 2.3, 3.1, 3.2, 3.3, 3.6 and 3.7
- **Standard 1.1:** Institutions should have a policy for quality assurance... Internal stakeholders should develop and implement this policy... while involving external stakeholders.
- **Standard 2.2:** External quality assurance should be defined.... Stakeholders should be involved in its design and continuous improvement.
- **Standard 3.1:** Agencies should undertake external quality assurance activities as defined in Part 2 of the ESG on a regular basis. They should have **clear and explicit goals and objectives that are part of their publicly available mission statement**. These should translate into the daily work of the agency. **Agencies should ensure the involvement of stakeholders in their governance and work**
- But agency **independence of judgements** about institutions **must not be influenced**.

# INDEPENDENCE MATTERS

## Examples in reviews

- NCEQE Georgia 2019
- THEQC, Turkey 2020

## Examples outside reviews

- KAA, Kosovo 2017
- PKA, Poland 2022

## **ENQA is supporting developing and new agencies on these issues**

SEQA – ESG is providing support in Albania, Czech Republic, Malta, Moldova, Montenegro, Slovakia

SEQA- ESG2 will support agencies in Azerbaijan, Bosnia and Herzegovina, Serbia and Ukraine

## THEQC, TURKEY

- The review panel recommends that the agency reconsider its structure: an overarching and representative governing body would allow the agency to maintain the representation that it currently has in its staffing profile but this would be at the level of strategic overview. An executive arm, which manages the agency's operations and processes, might then be staffed by permanent appointments to THEQC.
- The ENQA Board endorsed the recommendations and required action within a defined period
- THEQC has engaged with this and is undergoing a partial review

## NCEQE, GEORGIA

- It should be ensured that there is absolute independence from the government in that the Minister cannot dismiss director or council member without serious reasons, the circumstances of which should be more transparently defined beyond a mere “inappropriate manner”.
- The panel also considered that the agency should take more ownership of how councils as decision making bodies are nominated under the new Rules which give this power to the Ministry.
- The ENQA Board endorsed the recommendation and required action within 2 years
- This was addressed in the follow up report

# KAA, KOSOVO



Agency of Accreditation sign. | Photo: Kallxo

## Kosovo Accreditation Agency axed from European network organization

The European Association for Quality Assurance in Higher Education has discontinued the membership of Kosovo Accreditation Agency following accusations of political interference and unprofessional conduct, endangering the recognition of Kosovo diplomas abroad.

The Kosovo Accreditation Agency's regional membership in the European Association for Quality Assurance in Higher Education, ENQA, a consortium of institutions that ensure quality in higher education, has been revoked following its failure to adhere to the ENQA's rules and standards on September 19.

The letter stated that the board of the ENQA was "especially concerned" with the KAA's performance due to "only partial compliance" with the organization's guidelines.

The ENQA's grounds for removal included lack of "professional conduct" and lack of "consensus of the role and activities of the agency," which has prevented the organization from providing quality assurance. In addition, the lack of financial and human



**Doruntina Baliu**

03/10/2019 - 12:28

## PKA, POLAND

The EQAR Register Committee...

- concluded that the dismissal therefore casts serious doubts on whether PKA remains able to “act autonomously” and to assume “full responsibility for [its] operations”, as required by ESG standard 3.3.
- was unable to make a final conclusion as to whether PKA actually complies with standard 3.3 without a new external review of the agency.
- reduced PKA's registration period until 31 May 2023, so that PKA is able to launch a new external review instantly and submit the report before expiry of registration.

## CONUNDRUMS FOR THE ESG

- The competitive market for EQA is increasingly a factor in the EHEA
- The increasing number of agencies that are not ‘national’ and/or are reliant on trading as a commercial business for their survival
- Those drafting the ESG 2005 and 2015 did not envisage agencies having ‘proprietors’ or ‘founders’ that are private individuals or companies
- Higher education matters to national governments, and they will always want to shape regulation and/or EQA – Ministers may sign up to the ESG, but in most countries it is not an issue in the line of sight of the electorate

# QAA AND INDEPENDENCE

## **2008 Panel judgement: substantially compliant**

Comment: Nevertheless, the current funding model for QAA, which is based on annual subscriptions from HE institutions and on a system of annual contracts from the funding councils potentially introduces an element of uncertainty into the underlying stability of QAA relating to 'autonomous responsibility for their operations'. Similarly, the requirement for endorsement by Funding Councils both of QAA's annual programme of work and of the principal elements of any revisions to the review methodologies could also contribute to this potential uncertainty.

## **2013 Panel judgement: Fully compliant.**

Panel Recommendation: That care should be taken to safeguard the element of current HEFCE funding and to protect the operational independence of QAA in any changes following the implementation of revisions to the HEI funding model in England, whereby funding for teaching will in future reach institutions wholly via student fees (rather than via a combination of tuition fees and grant via HEFCE)

## **2018 Panel conclusion: fully compliant**

Panel commendation: The modus operandi for the QAA Board, the rest of the agency, and reviewers is well established in the QAA Code of Best Practice and documentation for review methods.

Panel suggestion for further improvement: Care should be taken to safeguard independence of the agency when redefining the new regulatory framework in England in consultations with the OfS and other relevant bodies.

# GOVERNANCE AT QAA

## Registered Charity and a private company

- Four Company Members (or guarantors) : Universities UK, Universities Scotland, Universities Wales; Guild HE
- Directors are required by law to act in best interests of the agency
- ‘Consultative’ Board of stakeholders twice per year
- Every 5 years or so an external Board effectiveness review
- Code of Best of Practice for Board members –reviewed regularly – covers role, responsibilities, delegation, selection, training, code of conduct, conflicts of interest and legal framework.
- Company Secretary has dual accountability to Chair and CEO

# THE QAA BOARD

- An independent chair
- 6 independent members drawn from industry and the professions
- 4 nominees jointly agreed by the University representative bodies
- 4 nominees jointly agreed by governments funders and regulators
- 1 nominee agreed by FE college representative bodies
- 1 position advertised with private college experience
- 1 nominee of the National Union of Students
- 1 position advertised for a student

## QAA BOARD COMMITTEES

- Audit & Risk Committee
- Nominations and Remuneration Committee
- Advisory Committee on Degree Awarding Powers
- Access Recognition and Licensing Committee (Access to HE Diploma)
- Student Strategic Advisory Committee
- QAA Scotland Committee
- QAA Wales Committee
- DQB England Committee

All have **terms of reference** in line with ‘**Scheme of Delegation**’

# QAA ACTING INDEPENDENTLY



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## QAA DEMITS DQB STATUS TO FOCUS ON SECTOR AND STUDENTS IN ENGLAND

Date: 20<sup>th</sup> July 2022

QAA has announced that it has notified the Secretary of State for Education that it will no longer consent to be the Designated Quality Body in England (DQB) after the current DQB year ends on 31 March 2023.

QAA is the UK's independent quality body for higher education, working in each of the four nations of the UK and internationally to benefit the sector and students. It is custodian of UK-wide sector reference points including the Quality Code for Higher Education and Subject Benchmark Statements. In England, alongside its wider work for the sector (funded through membership), it has since 2018 had a separate and discrete role as the DQB, providing assessments to the Office for Students (OfS).

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## Why the QAA quit as England's designated quality body

By Chris Parr

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### QAA gives up quality role in English system

Independent quality body steps back from providing assessments for OfS due to non-compliance with European standards

July 20, 2022

Tom Williams

Twitter: @TWilliamsTHE

The Quality Assurance Agency for Higher Education has relinquished its role assessing higher education providers in England amid concerns about non-compliance with European standards.

From March 2023, the body will no longer be the Designated Quality Body for the sector, a role it has held since a new regulatory framework was created in 2018.



Source: iStock

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## QAA to step away from designated role in England

What does QAA walking away from being designated quality body mean for universities? David Kernohan tries to make sense of it all.

POLICY WATCH | 20/07/22



# REACTION AND DEBATE



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## QAA'S REGISTRATION ON EUROPEAN QUALITY REGISTER RESTORED FOLLOWING QAA ACTION

Date: 10<sup>th</sup> August 2022

The [European Quality Assurance Register for Higher Education \(EQAR\)](#) has lifted its temporary suspension of QAA, reflecting QAA's compliance with the European Standards and Guidelines (ESG).

The decision follows QAA's [announcement on 8 July](#) that it would publish its reports from all reviews commissioned of the Designated Quality Body in England (DOB) and include a student reviewer on every DOB review team, and its subsequent announcement that it will [no longer consent to be the DOB](#) after the current DOB year ends on 31 March 2023. The temporary suspension was made due to elements of the English regulatory system being non-compliant with the ESG.

QAA's Chief Executive, Vicki Stott commented: 'Remaining registered with EQAR is essential to QAA's work throughout the UK and internationally. We are therefore very pleased to see the suspension lifted as a result of the action we have taken, and grateful to EQAR for responding quickly.'



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## The Office for Students, expertise and legitimacy in the regulation of higher education in England

4 September 2022

By Paul Ashwin and Charles Clarke

DAVID KERNOHAN | POLICY WATCH | 2/03/22

# WONKHE OfS knows best on quality and standards – what could go wrong?

The Office for Students has finalised new quality and standards arrangements. David Kernohan and Jim Dickinson assess the role of regulators, students and academics in the new rules



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## QAA replacement questions 'add to uncertainties' for English sector

After body's decision to relinquish quality role, sector fears lack of options for replacement risks undermining autonomy

August 31, 2022

Tom Williams

Twitter: @TWilliamsTHE

Difficulties finding a trusted and





THANK  
YOU

enqa.