

Perspectives on Independence of Quality Assurance Agencies in European Higher Education Context

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Abstract

Quality assurance agencies (QA agencies) gained a particular relevance within the Bologna process. In the context of higher education, quality assurance is understood as a process important for the quality functioning and constant quality improvement of higher education institutions. Quality assurance includes external quality assessment by QA agencies. QA agencies provide evidence to the public about the quality levels attained at higher education institutions. Except for quality, one of the most essential higher education principles is autonomy. It is challenging, however, to acknowledge university autonomy without considering the role of QA agencies. QA agencies have strong regulatory tools in monitoring and assessing quality at the higher education institutions, including accreditation of study programmes. The paper aims to explore key aspects of QA agencies' independence and compare the autonomous responsibilities of QA agencies from different national backgrounds. The paper focuses on five main formal areas of independence, namely the appointment of chief executive of QA agencies, the process of preparing and adopting quality standards, the appointment of experts, the decision-making procedures on the accreditation and evaluation procedures, and appeal procedures. Further on, the paper aims to answer why it is necessary to foster the independence of QA agencies to ensure a protective environment for higher education institutions.

Keywords: Higher education, quality assurance agencies, European standards and guidelines (ESG), agency independence, political influences.

INTRODUCTION

The debates about university autonomy and the relationship between the state and higher education institutions have always been topical and generated intense discussions in recent years. The subject of university autonomy was introduced in the Bologna Declaration with reference to the 1988 Magna Charta Universitatum¹. One of the first fundamental principles of the Magna Charta Universitatum states:

»The university is an autonomous institution at the heart of the societies differently organized because of geography and cultural heritage; it produces, examines, appraises and hands down culture by research and teaching. To meet the needs of the world around it, its research and teaching must be morally and mentally independent of all political authority and intellectually independent of all political authority and economic power.«

It is strongly agreed that there are considerable benefits of university autonomy, especially in the context of academic, organisational, financial and staff autonomy. Academic freedom and institutional autonomy are important for creating knowledge, maintaining a democratic society, and fostering higher education and research quality. From a system point of view, it seems challenging to consider higher education institutions' academic freedom and institutional autonomy without considering the role of QA agencies, who represent the legal relationship between public authorities and higher education institutions.

The role of quality assurance is crucial in supporting higher education institutions to demonstrate quality learning outcomes for the students and fulfil the expectations of the society. In Europe, the Bologna Process, which was launched at the end of the 1990s and paved the way for the establishment of a European Higher Education Area, prompted countries to adopt a governance design for QA agencies that highlighted their independence (Durán, Jordana, Royo, Juanatey, 2019).

One of the purposes of the Bologna Declaration (1999)² was to encourage European cooperation in quality assurance of higher education with a view to developing comparable criteria and methodologies. Quality assurance has been a priority for the *Bologna Process*. One of the main aims of the Bologna reform was to introduce and to enhance the quality of teaching and research.

QA agencies gained a particular prominence within the *Bologna process*. In the context of higher education, quality assurance is understood as a planned and systematic review process of a higher education entity or a particular degree program to determine whether acceptable standards of education, scholarship, and infrastructure are being met, maintained and enhanced (Van Vught and Westerheijden 1993). QA support higher education institutions in their continuing development and, equally, have a key role as protectors of the public interest.

¹ 1988 Magna Charta Universitatum,
<http://www.magna-charta.org/>

² Bologna Declaration,
http://www.ehea.info/media.ehea.info/file/Ministerial_conferences/02/8/1999_Bologna_Declaration_English_553028.pdf

However, there are issues that raise further challenges? Can the concept of university autonomy be fully and truly autonomous? How to regulate the relationship between higher education institutions and the state in enhancing quality assurance? Who defines quality in higher education? Who is responsible for developing and implementing policies to enhance quality? What is the role of QA agencies? How independent are QA agencies?

This paper is contextualised to explore the independence of QA agencies from different national backgrounds. The paper examines the independence of QA agencies from different parts of Europe and explores formal characteristics of the independence of QA agencies to assess their autonomous behaviour.

The main aim of this paper is to answer why it is necessary to foster the independence of quality assurance agencies to ensure a protective environment for higher education institutions.

INTERPRETATIVE CONTEXT OF THE QUALITY AND INDEPENDENCE OF QA AGENCIES

The interconnection of academic freedom and institutional autonomy with the independence of QA agencies have been increasingly recognized across the world. In public debates and formal procedures, independence is being addressed from different perspectives, especially in ensuring that procedures and decisions are based on expertise.

The quality of higher education emerged as an increasingly regulated area, where countries generally shifted away from direct control of centralized institutions but still remained a strong influence. The term Quality assurance refers to “systematic, structured and continuous attention to quality in terms of quality maintenance and improvement” (Vroeijenstijn, 1995a).

Obligations to establish independent public or private quality assurance agencies are inspired by credibility, integrity, professionalism, and trustworthiness considerations. These obligations are important in ensuring that expertise plays a decisive role in the decision-making process for students, teachers, and higher education institutions.

Almost all European countries have an agency co-coordinating quality assurance. External quality assurance agencies are usually established either by the national or regional government or by the higher education institutions themselves, often at the requirement of the government. The agency is, by nature an independent organisation with a steering body. However, institutions and government may be represented on the board of the quality assurance agency or contribute to the funding of the agency or evaluations (QAANZ, 1999).

Obligations to establish independent national regulatory of the supervisory body are inspired by considerations of credibility, comprising more general values such as integrity, professionalism and trustworthiness. Independence is essential in ensuring that expertise plays a decisive role in decision-making and avoids conflict of interest. These obligations are crucial in ensuring that expertise plays a decisive role in the decision-making process for students, teachers, and higher education institutions.

Therefore, in this field, regulatory functions normally entail setting standards, monitoring and follow-up activities, and applying enforcement where required (Hood et al. 2001; Scott and Hood 2004, among others). Negative or feeble program accreditation - as well as denying licensing to higher education institutions (HEIs) - are powerful regulatory tools to discipline those not satisfying existing quality standards. (Durán, Jordana, Royo, Juanatey, 2019).

With the concept of political independence of a QA agency, we mean »the degree to which the agency takes day-to-day decisions without the interference of politicians in terms of the offering of inducements or threats and/or the consideration of political preferences« (Hanretty & Koop, 2013, p. 196). On a general level, independence has been normally understood as the capability to decide on matters of responsibility without third party interferences. From the perspective of the QA agencies, independence can be “determined by the scope and the extent of the agency’s decision-making competencies” (Jordana, 1994).

Recent decades have seen a considerable increase in delegation to independent regulatory agencies, which has been justified by reference to the superior performance of these bodies relative to government departments (Koop, C., & Hanretty, C. (2018).

Regulation by independent agencies rather than ministries is believed to result in better policy outcomes. Yet this belief requires one to accept a complex causal chain leading from formal independence to actual independence from politics, policy decisions, and, ultimately, policy outcomes. Political interference occurs when the political leader(s) interfere with decision-making in public administrative matters such as planning, organizing, staffing, directing, coordinating, reporting, budgeting, and allocation and use of public funds.

Essential for public agencies is their independence, relative independence from the founder. Reasons for independence can be various, such as the need to involve different governance actors in the administrative process, ensuring greater interest, legitimacy and decision-making; involvement of various civil society organizations in the administrative process, ensuring relative independence of governance from daily politics; ensuring independence from the activities of the government and the administration and ensuring greater professionalism in decision-making in a particular field, as a larger number of experts can be involved in a non-governmental organization.

In a broader sense, organizational or political culture has been the subject of continued discussion and extensive research over the past half-century. The organizational culture has been widely discussed in the context of leadership style, decision-making modes, standards of performance, evaluation strategies, perception of students, organizational unit, goal definition, and source of authority. Institutional integrity requires a commitment to values that prioritize the protection of basic democratic principles over temptations of pragmatic decision making.

This study has moved beyond the research of independence by possible influence by all external stakeholders. I have been able to take this step thanks to the use study of the *An Independence Index of Quality Assurance Agencies in Higher Education: European and Latin American countries compared* and *University Autonomy in Europe* by EUA. In this study, I focus on the political independence of QA agencies. This does not imply that independence from other actors is unimportant.

However, I identified the political influence as most prevailing in the agencies' work. This specific context allowed me to focus on the possible political influence in five main areas of QA agencies' operation, namely the appointment of chief executive, the process of preparing the quality standards, the appointment of experts, the decision-making procedures and the appeal procedures

INDEPENDENCE IN THE FRAMEWORK OF STANDARDS AND GUIDELINES FOR QUALITY ASSURANCE (ESG)

External quality assurance refers to the process of evaluation or audit of a higher education programme or institution undertaken by a specialised body outside the institution. Typically, the body may be a quality assurance or accreditation agency or an ad hoc panel of experts and peers constituted by the responsible Ministry. The evaluation will involve the collection of data, information and evidence for assessment against agreed standards (European higher education Area, 2022).

The first *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (ESG) were adopted by the Ministers responsible for higher education in 2005 following a proposal prepared by the *European Association for Quality Assurance in Higher Education* (ENQA) in cooperation with the European Students' Union (ESU), the European Association of Institutions in Higher Education (EURASHE) and the European University Association (EUA). (European higher education Area, 2022).

A key goal of ESG, according to ENQA, is to contribute to the common understanding of quality assurance for learning and teaching across borders and among all stakeholders. ESG is important for developing national and institutional quality assurance systems across the *European Higher Education Area* (EHEA) and cross-border cooperation. Engagement with quality assurance processes, particularly the external ones, allows European higher education systems to demonstrate quality and increase transparency, thus helping to build mutual trust and better recognition of their qualifications, programmes and other provision.

ENQA is governed by its members, different QA agencies. As the designated stakeholder organisation of QA agencies in the EHEA, ENQA represents QA agencies on the European level internationally, and provides them with services.

According to ESG QA agencies must demonstrate that their operational independence from higher education institutions and governments is guaranteed in the official documentation. ESG states that agencies should have full responsibility for their operations and the outcomes of those operations without third party influence.

One of the ESG standards, dedicated to the independence of QA agencies, states that:

»Agencies should be independent to the extent both that they have autonomous responsibility for their operations and that the conclusions and recommendations made in their reports cannot be influenced by third parties such as higher education institutions, ministries, or other stakeholders«.

Considering the independence of agencies, according to standard 3.3, the ESG guidelines indicates the following types of independence:

Organisational independence, which is demonstrated by official documentation (e.g., instruments of government, legislative acts or statutes of the organisation) and stipulates the independence of the agency's work from third parties, such as higher education institutions, governments and other stakeholder organisations;

Operational independence is related to the operation of the agency's procedures, and methods, as well as the nomination and appointment of external experts, which shall be, are undertaken independently from third parties such as higher education institutions, governments and other stakeholders;

Independence of formal outcomes states that while experts from relevant stakeholder backgrounds, particularly students, take part in quality assurance processes, the final outcomes of the quality assurance processes remain the responsibility of the agency.

The ESG further outlines that anyone contributing to external quality assurance activities of an agency (e.g., as an expert) is informed that while a third party may nominate them, they are acting in a personal capacity and not representing their constituent organisations when working for the agency. Independence is important to ensure that any procedures and decisions are solely based on expertise.

If we move outside Europe, we know little about the institutional and organizational characteristics of these entities in other regions. Positively, at a global level, the 2016 revised edition of the INQAAHE Guidelines of Good Practice includes only a general statement regarding the recommended governance: »the composition of the decision-making body and its regulatory framework ensures its independence and impartiality« (INQAAHE 2016).

RESEARCH METHODOLOGY AND DATA SET CREATION

Within my research activities, I tried to develop a methodology for analysing the independence of QA agencies. I wanted to understand the autonomous status of the QA agencies in different national environments and explore critical aspects of the independence, which can influence on the work of QA agencies.

The proposed methodological approach aims to form an information space for simultaneous comparison and assessment of the level of independence of QA agencies and indicators that affect it. The methodology focuses on the formal characteristics of independence.

The focus of my research relies on the five main categories of independence:

- The appointment of chief executive of the QA agencies,
- The process of preparing and adopting criteria / standards for accreditation and evaluation procedures,
- The appointment of experts for accreditation and evaluation procedures,
- The decision-making procedures on the accreditation and evaluation procedures and
- The appeal procedures for the accreditation and evaluation procedures.

As a method of collecting information, I use open-ended questionnaires based on these five main quality indicators. In the process of collecting data, I determined the scale for each criterion - 1 being the most

independent, which means that government does not have a dominant influence and 4 being the least independent, meaning that government has a dominant influence on the functioning of the quality assurance.

Figure 1: The rating scale

Rating scale	Level of independence	Governmental/political influence on the functioning of the QA agencies	
Compliant	Independent	Government has a strong influence on the work of the QA agency	1
Substantially Compliant	Mostly independent	Government has certain influence on the work of the QA agency	2
Partially Compliant	Partially independent	Government has a strong, indirectly dominant influence on the work of the QA agency	3
Non-compliant	Dependant	Government has a strong and predominant influence on the work of the QA agency	4

In the research process, I collected answers to questionnaires from 28 QA agencies, 14 within the database are ENQA and 14 non – ENQA members. To construct a database and to supplement observations, made from the interviews, I analysed higher education acts, regulations on accreditations and evaluations, self-evaluation reports of quality assurance agencies and other legal documents, available through national legal repositories, and documentation available on agencies’ website. In this regard I took a look at the general status of the quality assurance agency, connected to legal status, organisation and background. In the process, I also analysed ENQA reports of the QA agencies. Specifically, I analysed the 3. 3. standard of the ESG, which refers to the independence of QA agencies.

OBSERVATIONS AND FINDINGS

Quantitative analysis

Until now, I have qualitatively and quantitatively analysed the questionnaires of 28 QA agencies. In quantitative terms, the total average or independence indicator for all agencies included in the analysis is 2, 14. More precisely, the overall independence indicator for non-ENQA members is 2, 53 while the independence indicator for ENQA members is a total of 1, 8.

The interpretation of this standard is made by considering the five above-mentioned aspects of independence. It has to be noted that in these calculations’ financial autonomy and resources of the QA agencies were not included. As opposed to some other authors exploring independence, in this paper, I do not further examine specifics of the two other important areas of independence social accountability dimension and range responsibilities performed by QA agencies.

Figure 2: Independence indicators among all included agencies
(Altogether, 28 agencies)

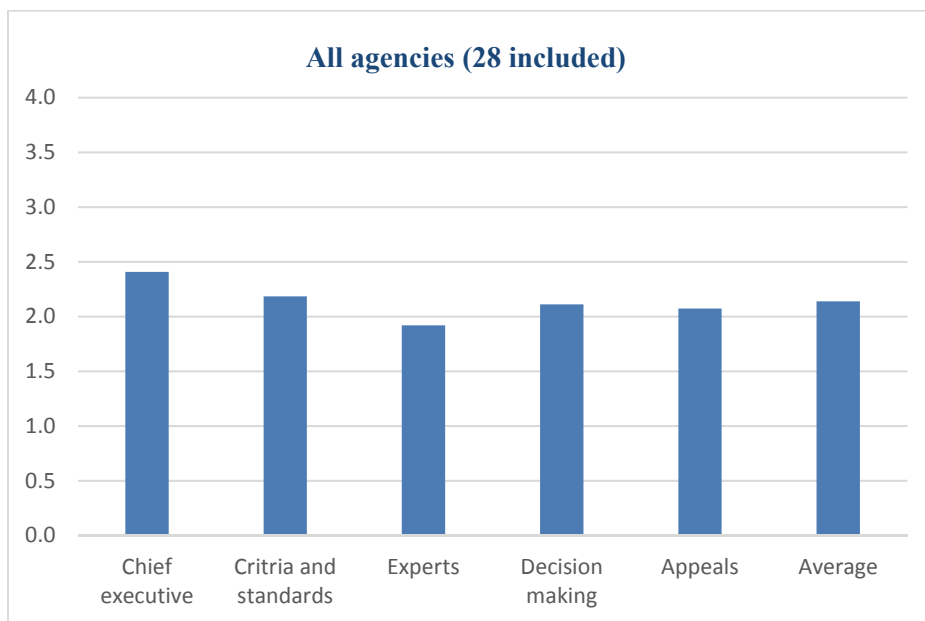


Figure 3: Comparison between ENQA (14) and non-ENQA members (14)

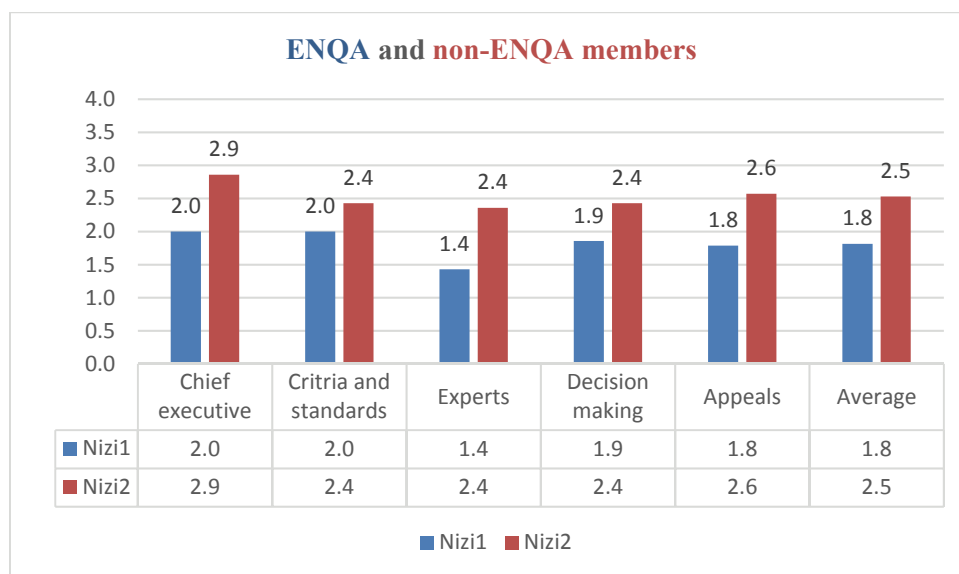
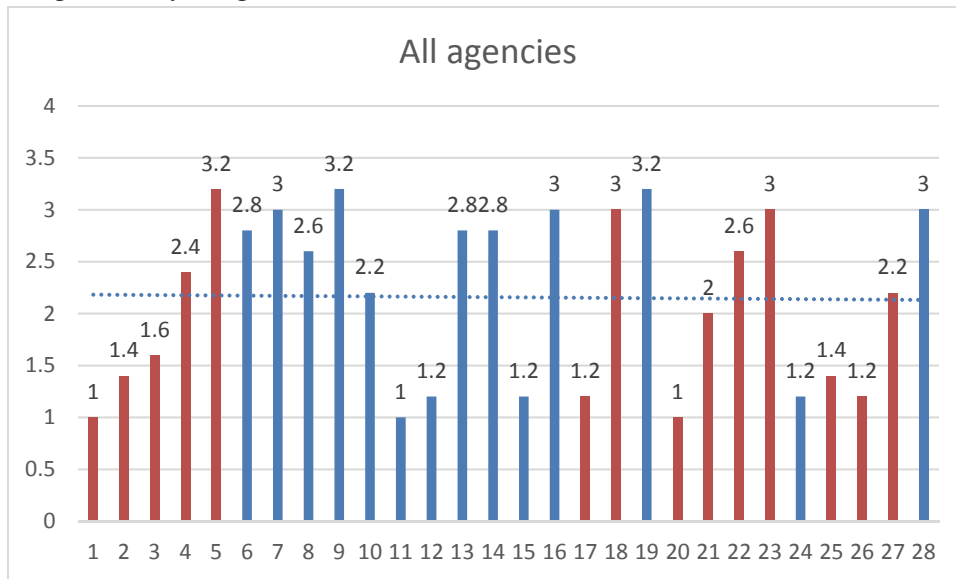


Figure 4: Average values of all agencies



Qualitative analysis

In qualitative terms, the analysis of each of the five categories showed that on a general level, QA agencies have mostly established formal mechanisms to safeguard operations and outcomes of those operations without political influences. The analysis also showed that the influences from ministries or other political entities have diminished and that agencies have strengthened their operational and organisational capacities in the last years.

The study showed that there is a great diversity among QA agencies. Some QA agencies have their foundation laid down by law in an act or decree. Some QA agencies have a decentralised structure, independent from their governments, some QA agencies act as accreditation bodies between the government, and some QA agencies are independent evaluation bodies. QA agencies are established by law, and their organisational independence results directly from the wording in these acts and decrees. Some QA agencies or evaluation bodies have to relate to other legal frame-works, which may influence their independence in other ways.

The representatives of the agencies in the interviews pointed out that the biggest threat to independence comes from ministries and other political entities. Other stakeholders, the universities, the representatives of the labour maker, the students' organisations or other relevant higher education stakeholders, are not being mentioned as a bigger threat to the independence of QA agencies. The interviews confirmed what ENQA KP3 standing committee reported[1], that is that the QA agencies typically have an executive board with some stakeholder involvement, such as students and employers. Still, they may also have members from outside the QA agency's operational context (e.g. foreign members). The analysis shows that most QA agencies are funded directly by the government through yearly budgets based on their annual work plans. It is often the case that these QA agencies are at the same time partly funded by higher education institutions. The analysis indicates that QA agencies usually own their offices and infrastructure and run their premises and logistics independent of the ministry or other state authorities.

In the process of nomination of the chief executive, the governmental influence is manifested through the direct governmental appointment of the chief executive or the indirect appointment of the chief executive by the collective body (the government nominates, i.e. the majority (4 out of 7) of board members, who appoint a chief executive).

The indirect governmental influence connected to the constitution of the collective body is also seen in the procedure of appointing experts, appeal committee members or in decision-making procedures. The analysis confirmed that most QA agencies had established their own procedures to appoint experts. Experts are normally required to sign some form of declaration of confidentiality and are expected to observe the QA agency's code of conduct or code of ethics. The experts are often proposed by the higher education institutions and then appointed by the board of the QA agency.

In the decision-making process, the level of independence is further demonstrated by the decision-making power, particularly whether the agency has the final call for an appointment (i.e., the agency's competence to make final decisions compared to adopting recommendations). The impact is seen if the evaluation criteria are prepared or confirmed by the government.

The impact from the government can be further seen by the possibilities of external influence on the procedures, for example, by initiating an extraordinary evaluation or granting licenses/accreditation for higher vocational colleges even though the quality has been assessed negatively by agencies. In appeal procedures, political influence can be visible mainly by the power to ignore the agencies unfavourable accreditation decisions or unclear rules of appeal procedures in so-called grey areas, which leaves room for possible influences. Some other examples include situations where the composition of the appeal committee (i.e., 2 out of 3 members are appointed by the government) suggests there is a strong indirect governmental influence or even worse direct influence, where the government establishes the second-instance body.

CONCLUSIONS

The paper highlights that agencies' dependence depends on the specific context in which they operate and the legal requirements placed on agencies. It points to the problems regarding the independence of agencies, particularly concerning the political sphere.

The analysis further shows that the QA agencies' independence is positive and significant as the higher levels of political independence are associated with a higher quality of work. The finding suggests that there are good reasons to justify political independence by reference to better work of the QA agencies. More independent institutions tend to do better quality work than less independent institutions.

The survey results further suggest that the effect of ENQA membership is comparable in magnitude with the impact of an increase in independence indicators. The analysis revealed that non ENQA members, due to different political, social and historical reasons, are less independent and autonomous than ENQA members' agencies. Several features of QA agencies and their modus operandi are critical to fully or substantially comply with the ESG standard on independence. Based on the analysis, I find out that the influence of ESG is spreading, and ESG are gaining acceptance as a shared reference point for all actors in European higher education.

The analysis shows there are critical areas in fostering the independence of QA agencies. It is not enough to present official documents safeguarding independence, and further work is needed to consider in greater detail how operational independence is safeguarded in practice. The results of the proposed methodological approach represent a baseline to determine the relationship between formal and actual independence of QA agencies.

The finding of the survey further emphasises the need to develop an appropriate political and organisational culture and unified methods to safeguard the independence of agencies from political and national interests, taking account of and accommodating the diversity of agency. Well-performing quality assurance agencies will equalise quality standards and constitute activities to support higher education systems fully and consequently fulfil the expectations of teachers and students in an increasingly diversified European environment.

In addition, the outlining of good practices, suggestions for further improvement, and some encouragement regarding the most difficult challenges QA agencies have to face in the next few years are very helpful for the QA agencies to develop further and reach their full potential.

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