Analysis of outcomes and trends related to the independence of QA agencies

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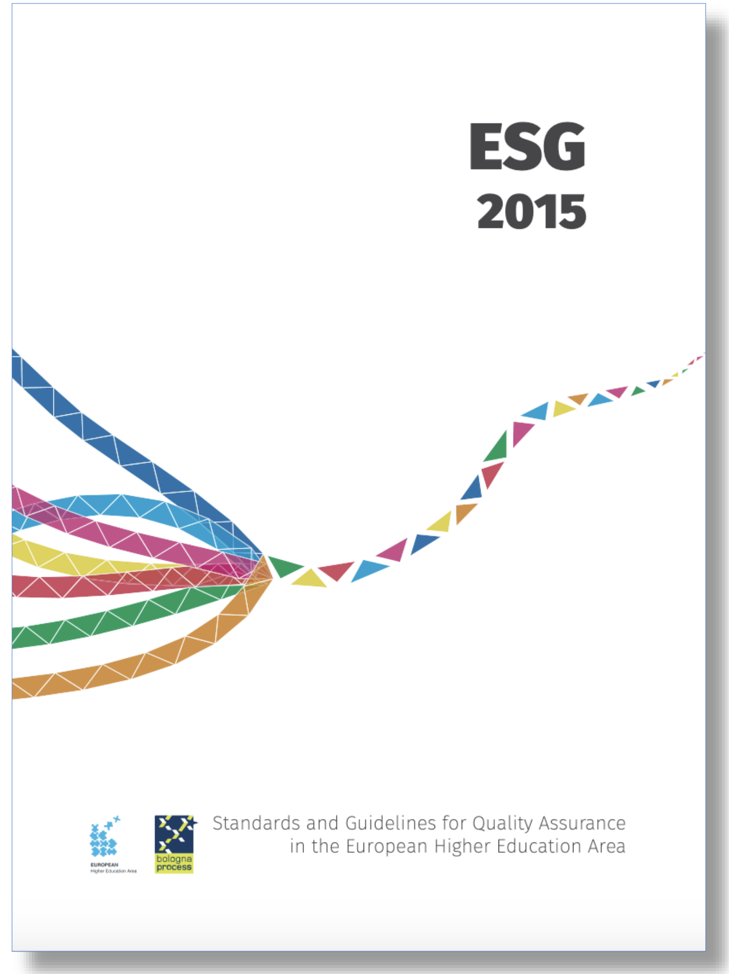
Standards and Guidelines for QA in the European Higher Education Area (ESG)

- Common framework for QA
- Developed by stakeholders and adopted by ministers responsible for higher education
- Initial version 2005, revision adopted in 2015, upcoming revision planned for 2027
- Three parts:
  1) Internal quality assurance
  2) External quality assurance
  3) Quality assurance agencies



ESG 3.3 (Agency) 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.***
- Guideline: *Autonomous institutions need independent agencies as counterparts.*
- Three dimensions of independence:
  - Organisational
  - Operational
  - Independence of formal outcomes

Different scenarios related to agencies' independence

Scenario 1

The agency undergoing evaluation has a high level of operational independence: it is completely free to set its own internal rules and procedures, develop external QA methodologies, interact with higher education stakeholders. Its Accreditation Council also has full autonomy when making decisions on the accreditation procedures that the agency conducts.

However, the review panel notes the agency has strong reliance on the Ministry for resources, both material resources and staff. The agency's budget is drafted by its Governing Board, after which it is approved by the Ministry. Similarly, the Ministry approves all hiring and dismissal of staff within the agency, including appointing or dismissing the Director.

Scenario 1

This scenario is:

Not an issue or
a minor issue

A serious issue

Scenario 2

The country in which this agency is established recognises QA agencies as private entities, i.e. there is no public QA agency. The agency's statutes make it clear that it was established as non-profit private foundation, and a separate legal entity, thus it is independent by definition and has no formal links to any government or other external authority. Furthermore, the national regulation prescribes that the agencies may not be affiliated with any educational institution.

However, being founded by a private entity, this private entity has a considerable power within the organisation: the founding entity controls the funds of the organisation, appoints the Director, approves the chair of the Accreditation Council, approves the permanent members of the Agency's Appeals and Complaints Commission, and nominates or potentially dismisses certain members of the Supervisory Board.

Scenario 2

This scenario is:

Not an issue or a minor issue

A serious issue

Scenario 3

The agency undergoing evaluation has a Governing Council of five members who are all appointed by different stakeholder organisations or institutions: Ministry, Rectors' Conference, Conference of Universities of Applied Science, Teachers' Union, Students' Union. However, the Minister formally appoints this Governing Council, and has a discretionary power to dismiss any member of the Governing Council at any time. Furthermore, the Minister appoints the Director of the agency and similarly has the right to dismiss them if they wish so.

During the site visit interviews, the Ministry and the agency argue that although on paper the Minister has such powers, this is only so because this is typical for the whole public sector in the country. However, it has never happened that a Minister would dismiss the Director or a member of the Governing Council. Something like this would be a great scandal in this country and would go against its political culture which highly values independent public institutions.

Scenario 3

This scenario is:

Not an issue or a minor issue

A serious issue

Analysis of Register Committee decision-making

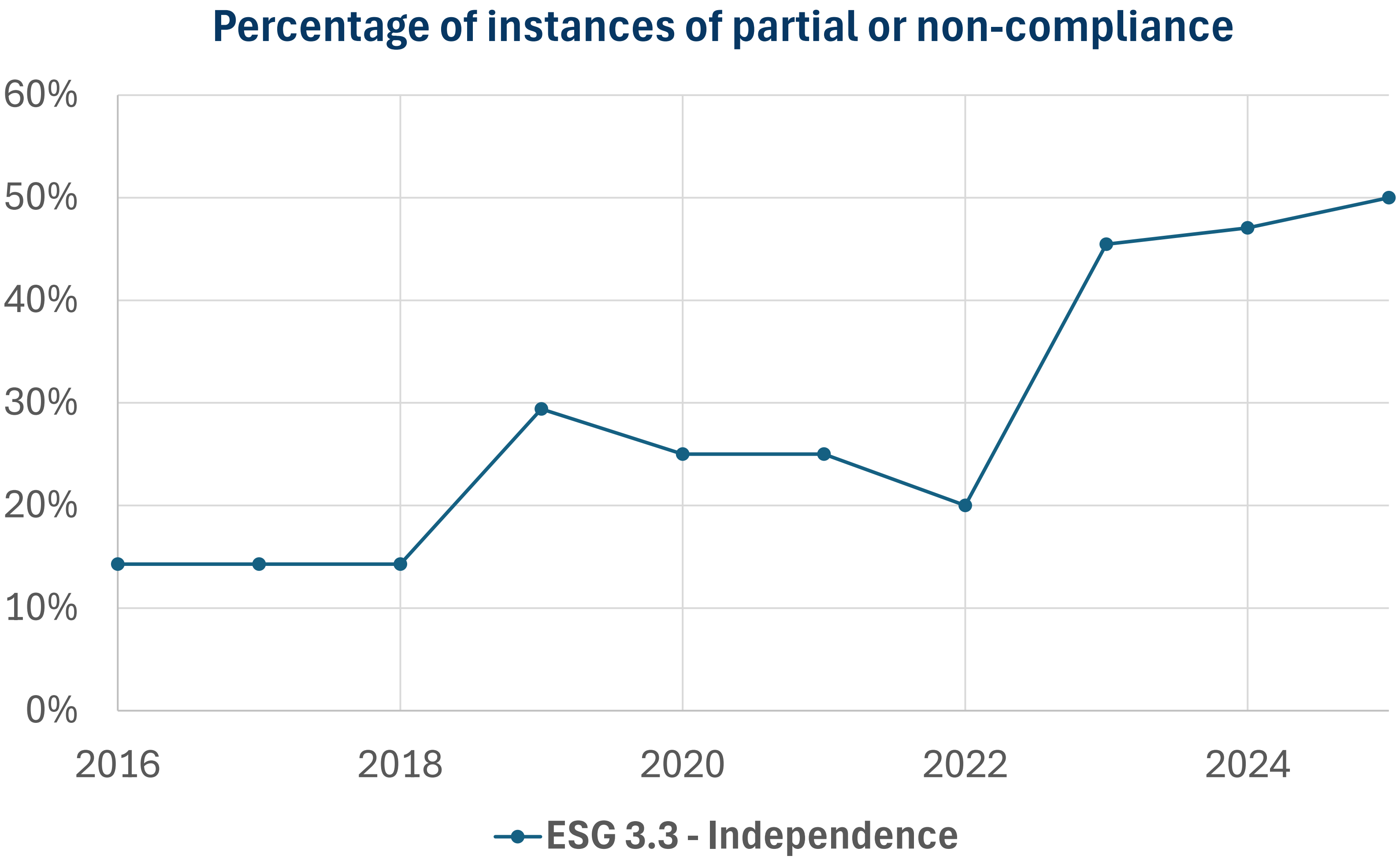
Scope of independence

- **Independence =/= governmental independence**
- Independence primarily understood as autonomy, i.e. absence of domination of a single actor/entity:
  „Independence is considered at risk when one actor or stakeholder has a dominant role in the agency […]. The agency should have in place specific safeguards, checks and balances that ensure that there is no dominant role of one actor or stakeholder." (EQAR Use and Interpretation of the ESG)
- *Including different stakeholder perspectives in the agency's decision-making bodies does not infringe with the agency's independence, provided that the respective individuals are not appointed as organisational representatives but in their personal capacity.* (EQAR Use and Interpretation of the ESG)

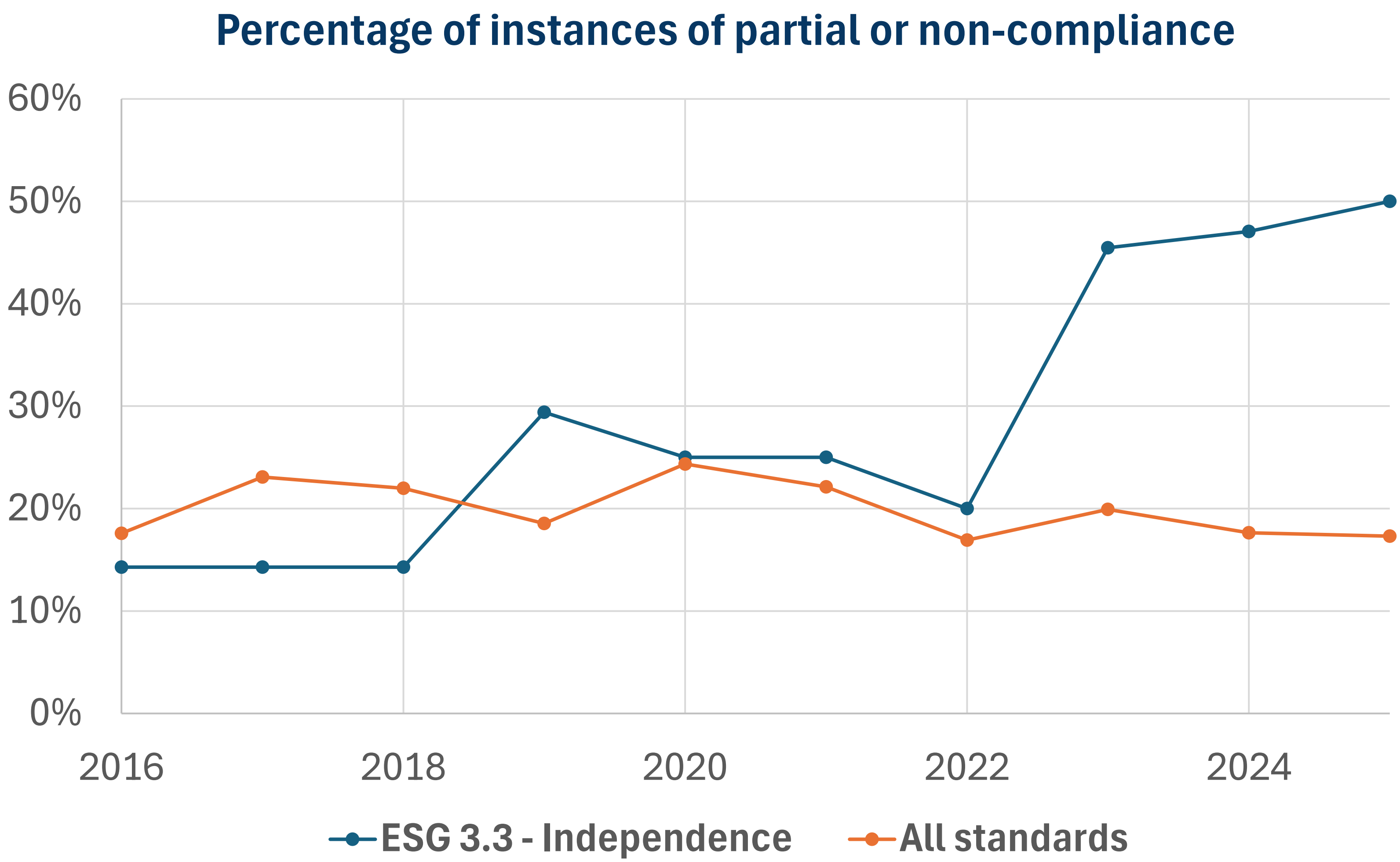
Types of independence

- ***De facto* vs. *de jure* independence**
- Does the agency's independence need to be actually endangered (i.e. through concrete, existing actions), or is it sufficient that there is a *right* of another entity/actor to impede on the agency's independence?
- Register Committee decision-making, but also external review panels: increasingly focusing on the *de jure* concept, and not only *de facto*.
- Lessons learned: over time potential dangers can become actual, without the possibility of EQAR to react.

Analysis over time



Analysis over time



Q&A

Discussion