

**How can we minimise the negative effects of the Services Directive? How can national quality agencies collaborate?**

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Firstly, colleagues, I apologise, for family reasons, for not being able to be present in Porto today. I had very much looked forward to the conference and to presenting this paper here today.

I will try and address the provocative questions above in a positive manner.

What are the potential negative effects of the Services Directive?

I will refer to the statement introducing the conference

“The view taken by the European Commission (EC) holds that programmes and their diplomas awarded by an institution of one member state which are on offer in another member state, for example through franchise agreements, are the responsibility of the member state where the awarding authority is located. The Commission’s interpretation is that responsibility for ensuring the quality of the training and education thus provided is not incumbent on the receiving member state. Rather, responsibility for verification and approval for the programmes and diplomas awarded lies with the member state from which the provider hails. Under this interpretation, verification, quality and accreditation falls to the exporting member state, not the importing member state. Clearly, it is more blessed to give than to receive.”

Let us parse the above.

Member states have the right and indeed duty to protect their citizens from fraudulent and low quality higher education. In relation to the regulation of higher education, how is this achieved?

In this paper, I will look at a number of scenarios relevant to the quality assurance of international. I will focus more generally on the quality assurance of qualifications and the quality assurance of cross-border higher education rather than the specific provisions of the services directive.

I will begin by looking at the specific example of how these matters are regulated in my home country, Ireland, an EU member state. If we have no confidence in the particular, we cannot proceed to the general.

I will follow this with a look at how international higher education operates between Ireland and its nearest neighbour, the United Kingdom, as there is significant mobility between both jurisdictions.

I will then conclude by looking at quality assurance across the wider European Higher Education Area and see how amenable it is to the developed of well regulated and quality assured higher education.

### **Quality Assurance of Irish Higher Education**

The quality assurance of higher education in Ireland is regulated through the Quality Assurance and Qualifications (Education and Training) Act, 2012 which established my own agency, Quality and Qualifications Ireland (QQI). The agency was an amalgamation of four agencies in the area of qualifications and quality assurance of higher and further (vocational) education

I will use Ireland and QQI specifically as an example for a number of reasons:

- For obvious reasons, it is the system with which I am most familiar
- As a country, Ireland has the highest population in the age category 25-34 with a higher education qualification
- QQI has been established relatively recently (in November 2012)
- QQI has responsibility in relation to qualifications and quality assurance
- Irish higher education institutions export higher education to an increasing number of countries throughout the world
- Ireland has a significant number of private institutions that offer awards from non-Irish (mainly UK) universities
- Ireland has a significant number of international students, including many from outside the EU
- Ireland is a very open economy and is relatively lightly-regulated (under-regulated?) in relation to higher education

In relation to qualifications, QQI also acts as the National Academic Recognition Information Centre (NARIC). We provide qualifications advice to Irish students who wish to have their qualifications

explained when they are looking to move overseas for further study or to gain employment. This service has been heavily used in more recent times due to the global economic crash which has seen 10% of the population of young people in Ireland emigrating since 2008.

QQI also offer a service to non-Irish graduates who are immigrants to Ireland and wish to have a statement of equivalence issued to them in relation to their qualifications for the purposes of further study or to gain employment. Ireland has a large immigrant population, with significant numbers coming in the past decade from newly admitted member states from the former Eastern Bloc. In 2013, for instance, a quarter of children born in Ireland were born to mothers who were not born in Ireland.

QQI is also responsible for maintaining and reviewing the 10-level Irish National Framework of Qualifications (NFQ) which was established in 2003. The Irish NFQ was the first national qualifications framework to be self-certified against the Bologna EHEA Framework in 2006 and referenced against the 8-level European Qualifications Framework for Lifelong Learning (EQF) in 2009.

The 2012 legislation that established QQI was developed to regulate (further and) higher education in the knowledge that Ireland was relatively open in relation to higher education and an EU member state that has to comply with the Services Directive

How then does Ireland both inform and protect higher education students from fraudulent or poor-quality higher education?

What responsibility or regulatory powers does the national quality assurance agency have in relation to qualifications and quality assurance?

It is important to note that Ireland has a system of higher education with significant academic autonomy. In the EUA 2009 Autonomy Scorecard, Ireland was ranked No. 1 of 34 higher education systems analysed.

Public higher education institutions in Ireland are self-awarding. They validate their own programmes. The state has no role in the setting of the curriculum or in setting conditions for the appointment of university staff or in the internal structures of the university beyond specifying the

parameters covering the composition (but not the membership) of the governing body (Board) and academic council (Senate).

QQI's job in relation to public higher education institutions is to act as an external quality assurance agency and to perform periodic audits/evaluations of the effectiveness of quality assurance procedures. QQI also has responsibility for the validation of programmes and the external quality assurance of private higher education institutions that choose QQI as its awarding body.

### **Quality Assurance of the export of Irish Higher Education**

The 2012 Act introduces the concept of 'linked providers', which are higher education institutions that do not have degree-awarding powers themselves but whose awards are made by 'designated awarding bodies' such as the public universities. This places the responsibility for external quality assurance on the awarding body (the university) and QQI, as part of its evaluation of the university, has to be assured as to how the university quality assures the 'linked provider'.

To do this, since its establishment, QQI requires annual reports from each university which includes a return of 'linked providers' and the university's plans to evaluate the effectiveness of quality assurance of the linked provider. In effect, the university has to act as a quasi-quality assurance agency in respect of the linked provider.

The concept of a 'linked provider' applies to any of the university's awards, wherever they are delivered, including the EU, EHEA and in other continents.

QQI, as part of its annual reporting requires universities (and other 'designated awarding bodies') to return information on its collaborative and transnational provision:

- 'linked' providers (where the university makes the award to another higher education institution without its own awarding powers either in Ireland or overseas)
- Its 'joint-awarding' (either in Ireland or overseas) with other awarding bodies including foreign universities

This exercise, over the past number of years, has been very illuminating in detailing the significant amount of Irish higher education that takes place outside the cloisters of the university campus in Ireland. In many cases, this has been as illuminating for the universities as it is for QQI!

The latest version of this composite return indicates that Irish higher education institutions make awards (either jointly or on their own) in

- Europe (France, Malta, Germany, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom)
- Asia (Bahrain, China, Dubai, Egypt, Hong Kong, Malaysia, Oman, Saudi Arabia and Sri Lanka)
- America (the United States)
- Oceania (Singapore)
- Australia

The periodic audit of a university undertaken by QQI as part of its new cycle of reviews will have to take account of all of these relationships and awards. Until the 2012 Act (which replaced the quality assurance provisions of the 1997 Universities Act) there was no specific legislation covering the operation of Irish universities on foreign soil.

The economic downturn of 2008 has had a disastrous effect on the Irish economy and the higher education sector in particular. Staff numbers have been cut and public funding has been significantly reduced. This is at a time when the current demographics in Ireland point to an increasing demand for access to higher education (in stark contrast to much of the rest of Europe and the peripheral countries of Europe in particular).

Core funding per student has declined by 15% at a time when student number have increased by since 2008 against a background of 15% funding cuts in six years when student numbers have grown by 14% in the same period.. Many universities have had to seek additional revenue streams as the tuition fee for Irish and EU students is capped by government.

In reaction to this, many Irish universities have sought to develop programmes with universities outside of Ireland and indeed Europe, largely in Asia.

The legislative provision in Ireland is that the universities, as self-awarding bodies, are responsible for the quality assurance of their awards, wherever they are delivered and hence QQI ultimately has responsibility for how the university is exercising its awarding powers, wherever that may be.

What can QQI, the national quality assurance agency do to ensure that the higher education institution is using its awarding powers in a responsible manner?

QQI has a responsibility to periodically evaluate the effectiveness of the quality assurance procedures established by an awarding body in respect of its education provision on its own campuses and wherever the higher education body makes awards, in this case to linked providers.

QQI will, when fully operational, manage a cycle of review of higher education institutions on a 5-7 year basis. In addition, each designated awarding body is required to submit an annual institutional report and to undergo an annual dialogue visit with QQI. QQI (and its predecessor body IUQB, in relation to the university sector) published an annual digest of the annual institutional reports. Needless to say, such dialogue visits do not extend to Hong Kong or Australia!

With the enactment of the 2012 Act and the significant increase in the number of Irish higher education institutions making awards overseas, QQI requires all of the designated awarding bodies to make returns on its linked colleges (whether they be in Ireland or overseas) and from 2014, the institutions have agreed to publish their annual institutional reports. This will give greater visibility to the quality assurance arrangements that the institutions have entered into at home and abroad.

Under the 2012 Act, the external quality assurance requirements on a designated awarding body with a linked provider are similar (and in some cases stronger) to those of QQI with a designated awarding body.

The linked provider is required to develop quality assurance procedures and agree them with the designated awarding body. The procedures have to be based on QQI guidelines and have to be put in place and periodically reviewed by the linked provider. This could include regular reviews of study programmes or disciplinary units. The outcomes of these evaluations have to be reported and submitted to the designated awarding body.

The designated awarding body also has to periodically review the effectiveness of these processes. The designated awarding body is required to publish the outcome of these evaluations and also to provide a copy of any such report to QQI.

Following any such review, the designated awarding body can issue directions to the linked provider which the provider must implement. If the directions are not followed, the designated awarding body can withdraw the approval of the quality assurance procedures, in effect withdrawing the awarding of qualifications for the linked provider.

An element of the periodic review of a designated awarding body by QQI will include how it is managing its collaborative provision, i.e. how it is overseeing the quality assurance of its linked providers both at home and abroad. The report arising from any such review will be published on the QQI website.

The increase in the activity of higher education institutions across borders causes particular challenges for quality assurance agencies. In some countries, overseas campuses of foreign awarding are required to operate under licence. The licensing system may operate at the local (canton/autonomous region/lander level etc.). There may also be a requirement for the local quality assurance or qualifications agency to have a role in the quality assurance or qualifications recognition of franchises or campuses of foreign universities. In many cases, the overseas campus has to satisfy the quality assurance arrangements for the national agency where the campus is located and the quality assurance arrangements for the national agency where the awarding body is based.

This is the case, for instance, where Ireland's private medical university, the Royal College of Surgeons in Ireland, RCSI (a designated awarding body with its own degree awarding powers) has to be quality assured by QQI for its operations in Ireland and Bahrain, has to be accredited in Ireland and in Bahrain by the Irish Medical Council, and is also accredited by the Medical Council in Bahrain. To be sure, to be sure, to be sure!

Good working relationships between quality assurance agencies in both host and receiving institutions are certainly in the interests of higher education institutions and students.

The above gives some explanation for how QQI operates in respect of Irish higher education institutions when they are making awards outside of Ireland.

**Quality Assurance of international higher education imported into Ireland**

What role does QQI play in relation to non-Irish institutions operating in and making awards in Ireland?

Due to our shared history and language, there is a long tradition of mobility of students and labour between Ireland and the United Kingdom. In the area of vocational education, City and Guilds has been operating in Ireland since 1901 (which predates the break-up of the United Kingdom of Great Britain and Ireland in 1922).

City and Guilds operates a Dublin office since 2002 and has in place a dedicated team to support local centres, agencies, employers and learners.

With the establishment of the Irish National Framework of Qualifications (NFQ) in 2003, the qualifications of City and Guilds were formally aligned to the Irish NFQ in 2008. This was seen as an important milestone in benefitting learners in Ireland seeking to progress onto the next level of their training and career progression.

City and Guilds vocations awards are aligned up to level 6 of the Irish NFQ, whereas most higher education awards operate at levels 7-10.

Developments in higher education have taken place at a later stage. Prior to the establishment of QQI, private higher education institutions seeking accreditation generally sought this from the former Higher Education and Training Awards Council (HETAC), since amalgamated into QQI.

As the title 'university' is protected under Irish law, only the 7 public universities (and the federal National University of Ireland) can use the title. The institutions of the former polytechnic sector, for instance, are termed Institutes of Technology. They are not permitted to use the title 'university', although the current National Strategy for Higher Education offers them the chance, as part of an amalgamation of several Institutes of Technology, to acquire the status and title of Technological University, once such legislation has been enacted.

In a similar manner, private Irish higher education institutions covet the title 'university' but are not permitted to use it. This has persuaded some private higher education institutions to seek awards from UK universities since the mid-1990s. Over time and with the establishment of HETAC, some of these arrangements moved to joint awarding between HETAC and the relevant UK University and

eventually many of the private institutions sought to have the majority of their provision awarded by QQI. One of the reasons for this is that QQI-validated higher education programmes offered by private providers qualify for tax relief on tuition fees.

Under the 2012 Act, QQI has the power to delegate authority to make awards to higher education institutions without their own awarding powers. All of the public Institutes of Technology have such powers but the 2012 Act permits, subject to Ministerial regulations, such powers to be given to private providers. It is likely that this will only be exercised in cases where the higher education institutions has an established and mature history of programmes being validated by QQI (and formerly by HETAC).

Due to the economic success of Ireland in the period 1998-2008, the country became attractive to immigrants and, as the labour market tightened, the immigration and education authorities operated a visa-granting system that permitted visa-required students to work 20 hours per week during term and full-time outside of term time to support themselves in their study in Ireland.

As work-based immigration in Ireland is tightly controlled, obtaining a student visa is the simplest method of accessing the EU for a non-EEA citizen. Between 1998 and 2008, the Irish authorities, under pressure of a tightening labour market, turned a blind eye to much student immigration and a relatively large industry has evolved in the area of English-Language training, vocational education and higher education mainly to visa-required non-EEA students. This follows the experience of other countries with significant numbers of overseas students such as the UK and Australia. Although a number of these institutions offer QQI (formerly HETAC awards in higher education or FETAC awards in vocational or further education) awards, the majority offer awards of UK vocational awarding bodies or the awards of UK universities.

The issuing of student visas by the Irish Department of Justice has been based on the operation of an Internationalisation Register, which was originally maintained by the Irish Department of Education but which has been maintained by the National Qualifications Authority of Ireland since 2008 (and then transferred to QQI in 2012), on behalf of the Departments of Education and Justice. This register is a list of programmes (higher education, vocational education and English language training) that fulfill some basic requirements in terms of programme duration and student contact time.

As part of the International Education Strategy of the Irish Government in 2009, priority areas in English language and Higher Education have been identified. The international education strategy also committed to the establishment of a 'quality mark' for international education, which would be awarded to providers of education and training who complied with a code of practice for the provision of education and training to International students.

During the passage of the legislation that established QQI in 2012, the Irish government was persuaded that the phrase 'quality mark' for international education might confuse stakeholders in relation to the normal institutional quality assurance review processes operated by QQI and the term 'international education mark' (IEM) was included instead. The authorisation of the IEM by QQI will be at the level of a provider.

What is the intention of the IEM?

How will it protect the state from rogue operators?

How will it protect students from poor quality provisions?

How will it protect the state from economic migrants posing as students?

The operation of the IEM for QQI requires a number of stages:

- For a new provider of higher education, firstly they have to agree quality assurance procedures with QQI
- They then have to validate a programme of education and training with QQI

The provider can then apply for the international education mark. This will involve an evaluation against a statutory code of practice for the provision of education and training to international students. There is a fee for the initial authorisation of the mark and an annual charge (related to numbers of international students).

The IEM is awarded at the level of a provider. The definition of international student for the purposes of the IEM is a student who is in Ireland primarily for the purposes of education and training.

One of the aims of the IEM is to increase the proportion of full fee-paying students from outside the EEA. Ireland currently operates a system where there are no undergraduate tuition fees payable for

full-time EEA students (under 23), although there is a not inconsiderable and rising 'student registration charge' which will be €3,000 annually by the beginning of the academic year 2014-15.

### **What is the importance of the IEM?**

There has been growing concern in Ireland that the student visa system was being abused. This came to a head in 2014 when a report by the *Sunday Times* newspaper led to allegations that some private colleges were falsifying attendance records for students who were really economic migrants posing as students. When a number of these colleges closed down suddenly in spring 2014, many visa-required students were left significantly out of pocket and without courses of study to follow.

The Ministers for Education and Justice established a task force to look at the issue of private colleges recruiting international (visa-required) students and in September 2014 announced a package of regulatory reforms that would apply from the start of 2015.

QQI will have a major role to play in this reform of the regulatory regime for international students.

From 1 January 2015, in order to qualify to recruit international (visa-required non-EEA) students, an education provider will have to apply for and be authorised to use the QQI International Education Mark. In addition, a new version of the Internationalisation Register will be implemented by the Departments of Education and Justice. Only programmes validated by Irish-awarding bodies in higher education will be listed on the Register, with a number of exceptions (in relation to providers offering certain international accountancy qualifications). All vocational education qualifications (including those awarded by QQI) will be delisted.

These changes are being strongly resisted by providers who offer mainly vocational qualifications made by UK awarding bodies. There are also a number of private providers who receive awards from UK universities, as described above.

### **Co-operation between national quality assurance agencies in Ireland and the United Kingdom**

From the above, it is clear that the education systems in Ireland and the United Kingdom are inextricably linked. There is the historical association with City and Guilds awards that predates Irish independence; the use of a common language and the long history of the three-cycle Bachelor, Masters and Doctoral system.

There are also a number of more unfortunate shared experiences. There is a shared concern in relation to bogus colleges recruiting economic migrants posing as students. One of the colleges in *The Sunday Times* investigation ran a similar college in the UK. QAA is the agency that is currently responsible for quality assurance of the UK higher education sector. Since its establishment in 1997, it has largely been concerned with the public university sector. In 2011, it took over responsibility for educational oversight, the process whereby a body achieved 'trusted-sponsor' status, in relation to a higher education provider being able to recruit visa-required non-EEA students to the satisfaction of the then UK Borders Agency.

Since 2013, QQI and QAA have met on a biannual basis. The agencies signed a Memorandum of Understanding and an Information Sharing Protocol at the ENQA General Assembly in October 2013. This was in recognition of our shared interest in quality assurance.

Just like in Ireland, UK universities have autonomous awarding powers, meaning they can and do exercise these outside the UK. The international education industry is of great importance to the UK economy and the protection of its reputation is vital for the country and QAA. Due to the large volume of UK provision overseas, QAA probably has the most developed system of overseas audit of cross-border higher education. UK universities have been and continue to be very active in the Middle East, the Indian sub-continent and the Far East.

QAA has developed a variety of methods for auditing collaborative (including transnational) provision. It is extensively provided for in the UK Quality Code for Higher Education. QAA has, over the past 20 years, conducted country-based audits including site visits to China, India, Malaysia and Singapore, to name but a few. The agency has also undertaken quality audits of collaborative and overseas provision separate to the audit of the home university. In the most recent consultation that QAA has engaged in, with respect to collaborative provision, the feedback from universities is that they would prefer if all of their provision (campus, collaborative and transnational) was undertaken within a single audit.

UK universities are less active within Europe than in Asia but for the reasons given above, in recent years a number of UK universities are making awards in Ireland.

### **Oversight of UK Awarding in Higher Education**

The website of the UK government provides a helpful description of the regulation of the UK higher education system. This distinguishes between what are termed 'recognised' and 'listed' bodies. Recognised bodies are institutions that can award degrees. These include the familiar public universities. Degree awarding powers are derived from ancient or Royal Charters or more recently from the Privy Council. QAA has a role in recommending the granting of degree-awarding powers to the Privy Council for institutions that fulfill university status. 'Listed bodies', on the other hand, are bodies without degree-award powers but may offer courses that can lead to a degree from a recognised body.

As the UK government website puts it, in stark language:

*"If your degree is awarded in the UK, it must be a 'recognised award', or come from a recognised or listed body - otherwise it will be considered bogus and won't count when you're looking for a job."*

The registers of listed and recognised bodies are maintained in a piece of secondary legislation called a statutory instrument.

It is important to note, however, that the register of listed bodies refers only to bodies registered in the territory of the UK. There is no equivalent statutory or consolidated list for bodies where UK universities are making awards outside of the UK, including Ireland.

QAA, as the body currently charged with the external quality assurance of UK self-awarding universities has responsibility for quality assuring provision, wherever it is delivered by a UK university, including in Ireland. This activity should be captured in the periodic quality audits of UK universities making awards in Ireland. As the scope of this activity is relatively recent, there has never been a country audit of awarding by UK universities in Ireland.

UK universities are required to comply with the UK Quality Code for Higher Education including providing information on and demonstrative confidence in its management of collaborative provision. Audit Reports by QAA (and anecdotal inspection of websites by the author) reveals, however, that the provision of information on collaborative provision is uneven.

Some universities provide interactive maps and web links to the locations of overseas providers offering UK awards and list the specific programmes on offer. In the case of other institutions, such information is more difficult or impossible to find or confirm.

Where UK universities are making awards in Ireland, there is also uneven information provided by the Irish franchise or education provider on its website.

### **Role of QQI in the quality assurance of transnational education**

When QQI has fully rolled out its policies, a number of elements should be in place to protect and inform students in relation to higher education qualifications and quality assurance in or from Ireland

- There will be a searchable Directory of Programmes and Awards in the Irish National Framework of Qualifications (NFQ)
- QQI will publish and maintain a list of providers of awards in the NFQ
- This will include a list of 'linked providers' of Irish 'designated awarding bodies' including their collaborative and transnational provision
- QQI will publish and maintain a list of providers that have been authorised to use the QQI International Education Mark
- The Directory will list awards made by Irish Awarding bodies
- QQI will publish quality reviews of all designated awarding bodies
- QQI will publish quality reviews of 'linked providers' that have been commissioned and published by Irish 'designated awarding bodies'

QQI has the responsibility for the maintenance of the Irish NFQ. The Irish framework is relatively open and to date, has formally aligned awards made by non-Irish awarding bodies that are making awards in Ireland, such as the aforementioned City and Guilds.

The alignment process, however, needs to be as robust as all other qualifications in the Irish National Framework of Qualifications. QQI, as custodian of the NFQ, has to ensure that however an award makes its way into the framework, it is subject to comparable quality assurance procedures. In the case of QQI awards or the awards of other Irish awarding bodies, an award, once placed, is subject to periodic reassessment through the process of quality assurance.

QQI has to ensure that the same process occurs for non-Irish awards included or aligned, in the NFQ. The importance of being recognised in the NFQ is that many government funding programmes use the term “recognised in the framework” as a proxy filter for eligibility for funding.

Over time, QQI expects that its role, as gatekeeper to the NFQ, will be an important mechanism in ensuring that all awards in the NFQ are quality assured; whether they are made by Irish awarding bodies in Ireland, Irish awarding bodies operating outside of Ireland or the awards of non-Irish awarding bodies making awards in Ireland

### **The Quality Assurance of Cross Border Education in the European Higher Education Area**

I now wish to extend the discussion of the recognition and quality assurance of higher education qualifications to the wider European area. In particular, what role can and do national quality assurance agencies play in the quality assurance of cross-border higher education?

The Bologna Process since 1999 aims to facilitate mobility of students and labour throughout Europe for increased economic benefit.

Prior to 1999, the systems of higher education in Europe were largely closed. There was relatively little cross-border higher education within Europe, almost no joint degrees and relatively few quality assurance agencies. There was not a system of comparable degrees, no national qualifications frameworks and certainly no meta-frameworks.

The European Standards and Guidelines for Quality Assurance in Higher Education (2005) and (2015) assert that Higher Education Institutions have primary responsibility for the quality of their provision and its assurance. The ESG proposed broad principles and an interconnecting system of internal quality assurance within higher education institutions; the external quality assurance of such systems and a quality assurance system for external quality assurance agencies.

What have we made recent progress on?

In the current version of the ESG, the term “learning outcomes” is only mentioned 3 times. It is mentioned 7 times in the new ESG.

The 2005 ESG were framed in the context of national quality assurance systems. Standard 3.2 on Official Status required that agencies should be formally recognised by competent public authorities and should comply with the requirements of the legislative jurisdictions within which they operate. Standard 2.7 referred to agencies undertaking reviews on a cyclical basis.

The revised 2015 ESG recognises the distance quality assurance has travelled and makes no reference to legislative jurisdictions and the periodic reviews standard have moved from an agency requirement to an institutional requirement

The European Association for Quality Assurance in Higher Education (ENQA) was charged in 2003 by the Ministers responsible for higher education in the Bologna signatory countries, in cooperation with EUA, EURASHE and ESU (the representative bodies for higher education institutions and students) with proposing a system of standards, guidelines and procedures for the signatories to the Bologna declaration.

The ENQA report to the Ministerial conference in Bergen in 2005 proposed a series of principle-based standards and guidelines (ESG) but stopped short of recommending common procedures. This was in recognition of the different approaches that existed (and to some extent, still exist) within Europe to quality assurance ranging from strongly autonomous systems of institutional-based audit in some member states to more restrictive systems of state-sponsored approval of accredited programmes of study in others.

The principle of automatic/less bureaucratic recognition of qualifications sits uneasily with the differences prevalent in some of these systems. The snowball that became the Bologna process has also meant that the countries added to the process along the way (*ipso facto*, the least prepared) were expected to reach the same end point in significantly less time.

This is not to take from the tremendous success that the establishment of the European Higher Education Area (EHEA) has been. Quality assurance and qualifications frameworks in particular are stand-out successes in comparison to the progress on some of the other Bologna action lines.

How realistic is it to believe that the common principles within the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) provide sufficient confidence to the

member states in relation to the recognition of qualifications and the quality assurance that sits behind those processes?

The 2005 ESG adverted to the establishment of a register of quality assurance agencies operating consistently with the ESG. It also envisaged a system of national qualifications frameworks based on learning outcomes consistent with the Bologna three-cycle systems.

The European Quality Assurance Register for Higher Education (EQAR) was established in 2008, with ENQA, EUA, EURASHE and ESU as founding partners.

EQAR's vision (as described on its website) is “a coherent quality assurance framework for the European Higher Education Area (EHEA) in which higher education institutions have the freedom to turn to any EQAR-registered agency for their external quality assurance reviews, and in which qualifications are thus universally recognised.”

This vision is consistent with the services directive.

It is interesting to look at the convergence in the membership of ENQA and EQAR since 2008.

By October 2014, for ENQA, of the 48 countries in the EHEA, 22 countries have agencies that are full members of ENQA, 2 of which are currently under review. 15 countries have agencies as affiliates and 8 countries do not have agencies in any status with ENQA.

Of the 14 countries that have affiliates, 5 are EU members states (Cyprus, Greece, Italy, Malta and the Slovak Republic), 1 (Iceland) is an EEA state, 1 (Andorra) is a micro-state; 3 are former USSR republic (Armenia, Georgia and Kazakhstan); 2 are former Yugoslav republics (Bosnia & Herzegovina and FYR Macedonia) and the remaining 2 are Albania and Turkey.

Of the 8 EHEA countries that have neither member agencies nor affiliates in ENQA, 2 are micro-states (Luxembourg and Liechtenstein), 1 (Slovenia) is a member of EQAR and has applied for ENQA membership, 1 (Latvia) has a former ENQA member agency. The remaining 4 are 3 ex-USSR republics (Azerbaijan, Moldova, and Ukraine) and 1 ex-Yugoslav republic (Montenegro).

In total, there are 41 ENQA full member agencies (all of whom have undergone a successful review against ESG).

In relation to EQAR, there are 32 agencies listed (who have undergone a successful review against ESG).

There are 30 agencies that are ENQA full members and are listed on EQAR, a very significant level of convergence. There are 2 agencies listed on EQAR that are not members of ENQA, 1 of which has applied for ENQA membership.

There are 8 ENQA full members that are not listed on EQAR, a number of which are a result of recent mergers and who are likely to apply to EQAR in the near future.

In advance of the approval by the Ministers of the revised ESG in May 2015, it is possible that the intersection of ENQA full members and EQAR listed agencies will be close to complete.

That said, how close to the EQAR vision of “a EHEA in which higher education institutions have the freedom to turn to any EQAR-registered agency for their external quality assurance reviews, and in which qualifications are thus universally recognised.”?

This should be looked also at in the context of the 2006 recommendation of the European Council on further cooperation in quality assurance in higher education that encourages EU member states, through its national authorities, higher education institutions and quality assurance agencies to apply the ESG and called for “member states to enable institutions to seek accreditation from outside their own country from an agency which meets their needs and profile”

Let us look at the reality of the two visions described above?

EQAR wishes higher education institutions to have the freedom to turn to “any registered agency for their quality assurance reviews”.

The EU is encouraging member states through their national authorities to permit member states to seek accreditation “from outside their own country” but “from an agency which meets their needs and profile”.

In theory then in 2014, there are 32 agencies listed on EQAR who could be performing evaluations on a European-basis within the 48 systems of the EHEA.

According to the EQAR website, which lists the countries where registered members could be active, in theory, 40 of the 48 states have or could have EQAR-registered agencies operating within their borders. The reality would appear to be somewhat different.

Some of this turns on the difference between a HEI turning to “any registered agency” and a national authority permitting a HEI to turn to a foreign agency which meets their needs and profile”.

Europe is not a homogeneous entity and higher education, in many cases, still has many essential national characteristics. The ESG were founded on principles for a reason and they have to reflect the diversity of Europe. There is still a mix of institutional audit and programme accreditation practised and a mix of national, regional and pan-European agencies practising comprehensive and discipline-based evaluation systems.

It is simply not practical, possible nor even desirable, based on the current profiles of quality assurance agencies, for a higher education institution to turn to “any EQAR-registered agency” for its quality assurance reviews.

Of the 32 EQAR-listed members, 15 are comprehensive national agencies; 5 are comprehensive regional agencies, 3 are pan-European agencies (1 of which is comprehensive and the other 2 ;re discipline-based), 7 are national market-based agencies (5 of whom are discipline-based) and 2 are national discipline-based agencies

The EHEA, as currently configured for quality assurance purposes, is not in a position to support a pure regulated free market.

The public good argument of higher education has resonance with the provision of other public goods such electricity, gas and water. While there is a market in the provision of utilities, their regulation largely operates on a national basis. The market competes for electricity, gas and water largely around competitive pricing for a similar product.

In higher education, the market tends to compete around the diversity of product offering rather than an identical product. How would a market of quality assurance regulators function effectively across Europe, when the product offering is not equivalent?

That said, there are functioning markets in academic accreditation or labels but they are voluntary and largely discipline-based. Accreditation of Business Schools or MBA programmes competes in a market based on the quality of product offering but the market is not regulated. The standards are set by the accreditors themselves.

The only truly functioning market for quality assurance in the EHEA is probably in Germany. In Germany, higher education is a devolved responsibility of the Lander (or regions) so there is no national quality assurance agency. Germany has a number of quality assurance agencies, a mixture of comprehensive and specialised but also has an Accreditation Council, which is a market regulator. OAQ, the Swiss national agency is accredited by the Accreditation Council but had to undergo a separate review to its ENQA membership to be so recognised.

There are, in 2014, very few national comprehensive quality assurance agencies that have performed evaluations outside of their home country. OAQ has performed an evaluation in Germany and FINHEEC (now FINEEC of Finland) has undertaken an evaluation in Austria.

CTI (the French engineering accreditor) has jointly accredited programmes in French-speaking parts of Switzerland and Belgium (in co-operation with the national/regional agencies there).

Apart from that, the only EQAR-listed comprehensive quality assurance agency performing evaluations on a large-scale basis throughout Europe is the Institutional Evaluation Programme (IEP) arm of the EUA. Reviews of chiropractic and public administration education are performed by EQAR-listed agencies in those disciplines.

For us to reach the EU vision of higher education institutions choosing an agency which meets their “needs and profile”, quality assurance would have to move from threshold standards to grades of excellence.

The desire, on the part of the European Council is probably primarily motivated by the desire to have systems that are more open and international. Indeed, there is an indicator under discussion in the

Bologna Stocktaking Process at the moment that would 'colour' a national system 'dark green' in the Scorecard if they permit their higher education institutions to choose any (sic) EQAR-registered agency to conduct their evaluations and color them 'bright red' if higher education institutions are forced to use a national agency for their quality evaluations.

There are certain ironies in this approach. There seems to be a sentiment that using a non-national agency would give a 'more international' review. This thinking fails to acknowledge that many 'national' quality assurance agencies (particularly in countries with small populations) populate their review teams largely with international members (Ireland and Switzerland, come to mind, for example). Increasingly, the Governing Boards of many national quality assurance agencies also contain foreign members. The use of foreign agencies is no guarantee of independence or international outlook. Indeed, Europe's most populous countries tend to be the most persistent in their use of non-national on their Governing Boards and within their review panels.

This may be a more fruitful way of opening up quality assurance. A potential way forward is co-operation between neighbouring countries with mobile populations. QAA and QQI, in addition to meeting frequently and to sharing information, have also agreed, for instance, to exchange staff at reviewer training sessions. Co-operation in Francophone and Germanophone countries and within the Nordic countries may also be more desirable.

### **How can national quality agencies collaborate in the area of qualifications recognition and quality assurance?**

What can we agree on?

The draft vision for the new ENQA Strategic Plan looks towards European higher education that enables students to receive qualifications recognised and respected world-wide. It is hard to see national authorities, higher education institutions and students disagreeing with such a sentiment.

This can only happen when there is confidence in the quality assurance of qualifications wherever they are delivered and by whomever they are quality assured. This requires the deepening of a shared understanding of quality assurance among national authorities, higher education institutions and quality assurance agencies.

The confidence of students and other stakeholders in higher education is more likely to be established and maintained through effective quality assurance activities which ensure that programmes are well-designed, regularly monitored and periodically reviewed, thereby securing their continuing relevance and currency.

The clear regulation by member states of awards made by awarding bodies under their control; good systems for recognising qualifications from other member states; increased cooperation between quality assurance agencies in relation to cross-border higher education; more commitment by member states to the principles of quality assurance, qualifications and learning outcomes that they signed up to in the Bologna declaration will go a long way towards allaying fears posed by the services directive.