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ENQA, ESIB, EUA, and EURASHE
(E4 Group)

Report
to the Bologna Follow-Up Group
on a European Register of Quality
Assurance Agencies

Berlin, 17-18 April 2007



Preface

1. Ministers responsible for higher education in the Bologna signatory states welcomed in 2005 the principle of a European Register of quality assurance agencies based on national reviews. They asked ENQA, in cooperation with EUA, EURASHE and ESIB (E4 Group), to develop the practical aspects of the Register and report back through the Bologna Follow-up Group.
2. The E4 Group accepted this responsibility and met nine times between the Bergen ministerial meeting and February 2007. It hired a consultant to carry out a round of interviews with various stakeholders around Europe and consulted with a law firm about the legal aspects of the Register.
3. The work of the consultant was supported by the Socrates Programme and by the EUA, using funds received from the Swiss Confederation. The necessary legal consultations were similarly supported by the EUA, using funds from the Swiss Confederation.
4. The present document is the E4 Group's final report to the London ministerial meeting. It is based on the outcomes of the E4 Group discussions, the report from the consultant, the legal advice and feedback from the BFUG on the earlier drafts of the report. This final report also proposes a draft text for the London Communiqué.

INTRODUCTION

5. Ministers in Bergen adopted the European Standards and Guidelines and welcomed the principle of a Register for QA agencies working in Europe. The Bergen Communiqué (20 May 2005) states:

Almost all countries have made provision for a quality assurance system based on the criteria set out in the Berlin Communiqué and with a high degree of cooperation and networking. However, there is still progress to be made, in particular as regards student involvement and international cooperation. Furthermore, we urge higher education institutions to continue their efforts to enhance the quality of their activities through the systematic introduction of internal mechanisms and their direct correlation to external quality assurance.

*We adopt the standards and guidelines for quality assurance in the European Higher Education Area as proposed by ENQA. We commit ourselves to introducing the proposed model for peer review of quality assurance agencies on a national basis, while respecting the commonly accepted guidelines and criteria. **We welcome the principle of a European register of quality assurance agencies based on national review.** We ask that the practicalities of implementation be further developed by ENQA in cooperation with EUA, EURASHE and ESIB with a report back to us through the Follow-up Group. We underline the importance of cooperation between nationally recognised agencies with a view to enhancing the mutual recognition of accreditation or quality assurance decisions.*

The E4 Group has taken as its starting point this ministerial request.

6. This report summarises the practicalities of establishing the European Register for Higher Education Quality Assurance Agencies (REHEQA) as prepared and agreed by the E4 Group. The following sections describe the basic features of the Register which the E4 Group proposes. The Group discussed all advice provided by the BFUG and offers the following proposals and recommendations.

PURPOSE OF THE REGISTER

7. The Register's purpose is to further the development of the European Higher Education Area by creating and managing a Register that will provide clear and reliable information about reliable and trustworthy quality assurance agencies operating in Europe.
8. It is intended as an objective information tool and should not serve any other purpose. To create legitimacy, this important function should be provided using a partnership approach based upon the involvement of all stakeholders in higher education in order to ensure a system of checks and balances.

9. To ensure trust and confidence in the decisions it makes, the Register requires its own independent structure and organisation.
10. The E4 Group proposes that **entry to the Register should be restricted to agencies that meet agreed criteria**. For this purpose, it proposes that **substantial compliance with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) should be the criterion for inclusion in to the Register**. It further proposes that **the evidence required for the demonstration of the fulfilment of this criterion shall be contained in a report of an independent review of the agency (normally undertaken on a national basis¹)**.
11. ENQA is the representative body for quality assurance agencies at the European level. It has introduced, for the purpose of granting Full membership, its own criteria and procedures which also involve compliance with the ESG and an independent review. It is important that the Register should not duplicate reviews undertaken rigorously, against the same criteria, by ENQA for the purpose of granting full membership of that body. To that end, full membership of ENQA, achieved using the review method described in Annex 5, will normally constitute *prima facie* evidence for inclusion in the Register.
12. The E4 Group discussed the necessity and purpose of the Register at length. Its considerations were informed, in particular, by the variety of views expressed about the Register in meetings of the BFUG. The Group agreed that the Register could only be justified if it had clear aims and objectives that would be useful and cost-effective. It therefore analysed the possible uses of a Register and identified the following principal aim for it:

The Register should assist in furthering the development of the European Higher Education Area by creating and managing a Register that will provide clear and reliable information about reliable and trustworthy quality assurance agencies operating in Europe.

13. The Register's objectives would be to help to:

- promote student mobility by providing a basis for the increase of trust among higher education institutions
- reduce opportunities for dubious organisations or 'accreditation mills²' to gain credibility
- provide a basis for governments to authorise higher education institutions to choose any agency from the Register, if that is compatible with national arrangements³

¹ For this purpose, 'national reviews' and 'reviews carried out on a national basis' are assumed to mean reviews commissioned by the relevant authorities in a EHEA state, but carried out independently from them. For information about national reviews in the context of ENQA membership reviews, see Annex 5.

² Accreditation mills are bogus agencies that are usually linked to diploma mills networks. The strategy of these accreditation mills is to gain credibility through the accreditation and evaluation of legitimate higher education institutions or programmes.

- provide a means for higher education institutions to choose between different agencies, if that is compatible with national arrangements⁴
- serve as an instrument to improve the quality of quality assurance agencies and to promote mutual trust amongst them.

14.If the Register is to fulfil these intended purposes, it should be easily accessible and updated as required.

STRUCTURE OF THE REGISTER

15.The E4 Group has considered carefully and at length the structure and function of the Register.

The legal structure of the Register

16.As a structure the Register must be reliable and its judgements credible. It will therefore need to be able to demonstrate its integrity and independence. The E4 Group has considered a number of possible organisational arrangements to achieve this and believes that a partnership arrangement involving all interested stakeholders is most likely to be successful.

17.Because of this, E4 proposes that **the Register should be managed by a non-profit, legally independent entity involving the members of E4, other consultative members of the BFUG, and the governments of the EHEA.**

18.The precise form of this entity has given rise to much debate, within both E4 and the BFUG. In part this due to the need to establish the Register organisation within a particular legal jurisdiction and to follow the formal requirements of that jurisdiction. E4 has agreed that the most appropriate location for the Register should be Brussels and take the legal form and structure of an association. Belgian law offers two types of association. Legal advice taken by E4 leads it to propose that **the more appropriate form of organisation for the Register would be an *Association Internationale Sans But Lucratif (AISBL)*.**

19.The establishment of an AISBL would provide a framework within which different types and forms of involvement by the participating organisations could be encapsulated, allowing them to have appropriately differentiated roles, levels of responsibility and decision making powers within the Association.

20.The AISBL is a flexible structure in terms of membership and internal governance structure. E4 has considered what might be the optimal governance arrangements to ensure that the interests of all stakeholders (including agencies and governments) are properly provided for and

³ Recommendation of the European Parliament and Council on further cooperation in quality assurance in higher education of 15 February 2006 (http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2006/l_064/l_06420060304en00600062.pdf)

⁴ Ibid

protected. This is a complex question and one which may need further reflection. Legal advice received by E4 (see Annex 3) proposes **that a more extensive report and/or draft statutes should be prepared only once decisions have been taken on the above-mentioned issues, and in particular once the roles and responsibilities of the different members and membership categories have been agreed.**

21. Annex 2 to this report contains a proposal for the organisational structure of the Association which assigns specific roles to each group of stakeholders.
22. This envisages that the 'founding members' of the Association should be the E4 organisations. The governance of the Association would, however, be overseen by a General Assembly, which would include representatives of all stakeholder groups (including representatives of the BFUG if they so wish) as voting members and which would have important, but limited, powers. The General assembly might also include non-voting, 'associate' members.
23. The day to day operation of the Register would be in the hands of a Register Committee⁵, the Chair of which would also be the Chair of the General Assembly, and which would consist of E4 and the consultative members of BFUG representing the social partners. The Committee would be responsible for deciding on applications for inclusion in the Register and also for any other business relating to the Register and its Committee.

The role of governments

24. The role of governments in the work of the Register is an important and sensitive issue. On the one hand, some government representatives in BFUG have expressed the view that, since the reviews on which inclusion in the Register are to depend are normally to be 'national' (in accordance with the Bergen communiqué), there should be no possibility that an agency denied recognition by its national authorities could gain entry to the Register; and that to ensure this governments should have full membership and voting rights on the Register Committee. On the other hand, the view has also been expressed in the BFUG and is held by the E4 Group that the integrity and independence of the Register would be fatally compromised if governments could vote or exercise a veto in respect of their own national agencies.
25. In acknowledgement of the strength of feeling of both points of view, the E4 Group has taken the view that BFUG representatives may become voting members of the General Assembly if they so wish, but should have non-voting observer status on the Register Committee. It therefore proposes that **the processes and procedures to be used by the Register Committee in respect of applications for inclusion in the Register should be subject to approval by the General Assembly,**

⁵ The Register Committee will also function as the Governing Board, required by the rules governing AISBLs.

which will have BFUG representatives as members, but that consideration of individual applications should be undertaken by the Register Committee, which should not include representatives of governments as members. BFUG, or any successor body should, however, have the right to send up to five representatives to attend the Committee and receive its papers, in the capacity of observers, to ensure that it carries out its business in an appropriate and responsible way. The observers would not be members of the Committee or have the right to veto decisions of the Committee in respect of applications of particular agencies for inclusion in the Register.

The administration of the Register

26. The Committee will require a secretariat to manage the day to day business of the Association. The role of the secretariat will be to process applications, staff the Committee meetings and annual assemblies, manage the web site, provide information and represent the Register.
27. Once the Register is fully operational it is estimated that the workload could be managed by 1.5 FTE staff (Director, and part time administrative assistant). Should additional support be required in the start up phase, then temporary staff on short term expert contracts, or on secondment, could be employed.
28. The E4 proposes that **the administration of the Register should be undertaken by a small, independent secretariat (about 1.5 FTE) accountable to, and appointed by, the Committee.**

Cost effectiveness of the Register

29. In order to be as cost effective as possible, the Association should ensure that it does not unnecessarily duplicate the work of other bodies undertaking similar activities. It should therefore rely, so far as possible, on the experience, expertise and authority of organisations and structures which already exist within the Bologna Process. **E4 proposes that the Register should make use of evaluations of agencies carried out nationally or by ENQA, provided that they meet the criteria laid down in the ESG, that they are in accordance with Annex 5 and that they provide sufficient information to allow a judgement to be made. To this end, Full membership of ENQA, for which the entry criterion is also compliance with the ESG, attested through an independent review, would normally constitute *prima facie* evidence for inclusion in the Register.** The guidelines for national reviews of ENQA member agencies are reproduced at Annex 5.
30. The Register Committee would not undertake reviews itself and so would not incur the costs of undertaking reviews. This would help to keep down administrative costs. In the event of an agency being unable to undergo, for whatever reason, a national review, or one organised by ENQA, the Register Committee could authorise the applicant agency to commission

an independent review from a third party, provided that the arrangements, and the reviewing body, were approved by the Committee.

NAME

31. The E4 Group proposes that **the Register should be called the Register of European Higher Education Quality Assurance and Accreditation Agencies (REHEQA).**

FUNDING

32. Estimates based on experience of running similar-sized organisations in Brussels suggest that the annual funding required by the Register would be a maximum of €185,000 – €245,000, once the organisation was fully operational, and bearing in mind that additional expert support might be required in the start-up phase. The basis of this estimate is described at Annex 4.
33. E4 has given much thought to possible sources of funding for the Register, and this topic has also been raised within the BFUG. The European Commission has generously offered to make a substantial contribution to the start-up costs, but funding arrangements in the longer term remain uncertain. This raises a fundamental question about the sustainability of the Register which will need to be resolved. **A compromise on funding will have to be struck, possibly through seeking a combination of sources, including, for example, application fees, annual subscriptions from General Assembly members, funding from any EHEA governments willing to assist, and from other appropriate European organisations.** The E4 organisations will contribute non-financial resources to help with the establishment and maintenance of the Register. A combination of income streams of this sort should ensure the financial independence of the Register.

NATURE OF THE REGISTER

34. **The Register would be voluntary, that is to say, no agency would be required to apply for inclusion within it in order to continue to operate.** In that sense it is not an accreditation or licensing tool. As already proposed, inclusion in the Register would be restricted to applicant agencies that satisfy the Committee that they comply substantially with the criteria (i.e., it will be an exclusive Register). There would be no information on any other quality assurance or accreditation agencies operating in Europe. This will help exclude 'accreditation mills' from the Register and minimise legal recourse from such bodies.
35. Although it would be an exclusive Register, there would be nothing to prevent a government from recognising or funding an agency that was not on the Register, if it wished to do so.

INFORMATION TO BE INCLUDED IN THE REGISTER

36.E4 proposes that **the Register should consist of a database of agencies publicly available on its own website.** The following general information about it would be included on the website:

- general information about the Register and about its organisational structure;
- information about the application procedures
- information about the approval procedures
- information about the appeals procedures
- contact information of the secretariat

37.The following information about the agencies included in the Register would appear on the website:

- name
- date of establishment
- date of first entry into the Register
- contact information and website address
- ownership
- field(s) covered
- type(s) of quality assurance services provided
- countries the agency operates in
- countries the agency is officially recognised in
- ENQA membership of the agency: yes/no (if yes, then also the year of having become an ENQA member should be mentioned, together with the date of the last five-yearly review)
- hyperlinks to evaluation / accreditation reports by the agency

38.Once in operation, the Register Committee should decide whether the review reports of the agencies listed in the Register should be published.

APPLICATION AND APPROVAL POLICIES AND PROCEDURES

39.E4 proposes that **the operational description and associated regulations and procedures for the Register should be left to the Register Committee to draft and the General Assembly to discuss and approve, once they have been established.** However, it believes that the application and approval rules and procedures of the Register should be clear and transparent, so that applicants are fully informed in advance of the requirements and approval process. As already stated, applicants would be required to undergo an external review in order to be considered for inclusion in the Register.

40.The ESG propose 'a mandatory cyclical external review of the agency's activities at least once every five years' (ESG 3.8, Accountability procedures, guideline 3, p. 26). Reconfirmation by the Register Committee of an agency's continued presence in the Register should depend on a satisfactory re-review every five years.

41. There would be two different ways in which external reviews could be organised and applicants might apply (see also Annex 2 B: Process):

- An external review carried out on a national basis⁶, either for the purpose of applying for Full ENQA membership and/or meeting national requirements, or solely for the purpose of entering the Register. A nationally recognised organisation (for example the Ministry for Education or a national quality assurance body) independent of the applicant agency would organise such a review. This would be the normal way to enter the Register.
- A non-national review, undertaken by an organisation (which could include ENQA) that was acceptable to the Register Committee. This would mainly apply to applicants that were not affiliated to any national higher education system or where a nationally-coordinated review would not be possible, for *bona fide* reasons. It would not normally be possible for an agency that had failed to meet the criterion for inclusion through a national review to apply to the Register Committee for agreement to undergo a non-national review.

42. Decisions on whether or not an applicant agency should be included in the Register would be taken by the Committee on the basis of a simple majority of those members present.

APPEALS

43. In the light of the 2006 Recommendation on quality assurance in higher education of the Council and European Parliament (see footnote to paragraph 13 above), E4 recommends that there should be a right of appeal against a negative judgement by the Register Committee on an application. **E4 therefore proposes that the Register Committee should include an appeals procedure in its regulations.** The Committee might also be advised, however, to consider the possibility that when an application is submitted which does not meet the relevant criteria for inclusion in the Register, there might be advantage in informing the applicant agency and inviting it to submit a revised application, pending which no decision would be made. Thus, the Register Committee would technically not be taking a formal decision that could trigger a potential appeal.

AMENDMENTS TO THE ESG

44. It is probable that the ESG will need to be revised from time to time. They should not, however, be changed during the first two years of the Register's existence, in order that there should not be uncertainty about the status of the criteria for inclusion. In normal circumstances, revisions might be expected every five years.

⁶ For a note on 'national reviews' and 'reviews carried out on a national basis' see footnote 1 on page 4.

45. Care should be taken to make sure that the European Standards and Guidelines do not become a simple checklist for compliance purposes and that any revisions reflect the needs of higher education more broadly. E4 proposes that **responsibility for commissioning revisions to the ESG should rest with the BFUG or any successor body; the BFUG should request E4 to recommend revisions when E4 considers it appropriate to do so.** Any proposals for revision of the ESG should be undertaken in consultation with ENQA, as they are the basis of the ENQA membership criteria.

PROPOSED TEXT FOR THE LONDON COMMUNIQUÉ

46. The E4 Group proposes the following text about the Register for the London Communiqué:

'We adopt the operational model of a Register of European Higher Education Quality Assurance and Accreditation Agencies, as proposed by ENQA in cooperation with EUA, EURASHE and ESIB. We commit ourselves to the implementation of the Register in order to allow all stakeholders and the general public freely to access clear and reliable information about quality assurance agencies that are working in line with the European Standards and Guidelines. We ask the E4 Group to establish the Register and report back to us through the BFUG.'

'We welcome the success of the first European Quality Assurance Forum, jointly organised by EUA, ENQA, EURASHE and ESIB in 2006 which provided an excellent opportunity to discuss European developments in quality assurance. We encourage the four organisations to continue organising the European Quality Assurance Forum on an annual basis.'

Annex 1: Summary of proposals

1. Entry to the Register should be restricted to agencies that meet agreed criteria.
2. Substantial compliance with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG) should be the criterion for inclusion in to the Register.
3. The evidence required for the demonstration of the fulfilment of this criterion shall be contained in a report of an independent review of the agency (normally undertaken on a national basis).
4. The Register should be managed by a non-profit, legally independent entity involving the members of E4, consultative members of the BFUG representing social partners and the governments of the EHEA.
5. The appropriate form of organisation for the Register would be an *Association Internationale Sans But Lucratif (AISBL)*, based in Brussels, Belgium.
6. Draft statutes for the AISBL should be prepared only when the roles and responsibilities of the different members and membership categories have been agreed.
7. The processes and procedures to be used by the Register Committee in respect of applications for inclusion in the Register should be subject to approval by the General Assembly, which will have BFUG representatives as members.
8. Consideration of individual applications should be undertaken by the Register Committee, which would include representatives of governments as observers. Observers would ensure that the Register carries out its business in an appropriate and responsible way.
9. The Administration of the Register should be undertaken by a small, independent secretariat (about 1.5 FTE) accountable to, and appointed by, the Committee.
10. The Register should make use of evaluations of agencies carried out nationally or by ENQA, provided that they meet the criteria laid down in the ESG and that they provide sufficient information to allow a judgement to be made. To this end, Full membership of ENQA, for which the entry criterion is also compliance with the ESG, attested through an independent review, would normally constitute *prima facie* evidence for inclusion in the Register.

11. The Register should be called the Register of European Higher Education Quality Assurance and Accreditation Agencies (REHEQA).
12. A compromise on funding will have to be struck, possibly through seeking a combination of sources, including, for example, application fees, annual subscriptions from General Assembly members, funding from any EHEA governments willing to assist, and from other appropriate European organisations.
13. The Register would be voluntary, that is to say, no agency would be required to apply for inclusion within it in order to continue to operate. Thus, the Register would have no legal consequences for governments
14. The Register should consist of a database of agencies publicly available on its own website.
15. The operational description and associated regulations and procedures for the Register should be left to the Register Committee to draft and the General Assembly to discuss and approve, once they have been established.
16. The Register Committee should include an appeals procedure in its regulations.
17. Responsibility for commissioning revisions to the ESG should rest with the BFUG or any successor body; the BFUG should request E4 to recommend revisions when E4 considers it appropriate to do so.

Annex 2 Proposed organisational structure and process of the Register

A: STRUCTURE

1. Founding members:

ENQA
EUA
ESIB
EURASHE

as existing associations

2. Aims of the Association

To further the development of the European Higher Education Area by creating and managing a Register that will provide clear and reliable information about reliable and trustworthy quality assurance agencies operating in Europe.

3. Definition of the members of the AISBL

- Members of the General Assembly:
 - Voting members:
 - Register Committee
 - consultative members of the BFUG
 - government members (selected by the Bologna Follow Up Group) equal in number to the total of the Register Committee and the consultative members
 - Non-voting members: associate members (to be defined)
- Members of the Register Committee (all voting members)
 - Voting members:
 - 8 members nominated by ENQA, ESIB, EUA, and EURASHE (2 nominees each);
 - One member each, nominated by the BFUG consultative member organisations that represent the key social partners (i.e., Education International and BusinessEurope)
 - Non-voting members (observers):
 - Five nominees selected by the BFUG who serve as observers

4. Resources

All categories of member are required to pay annual subscriptions – amounts to be determined

Other resources

- the AISBL may receive grants, gifts etc..

- the AISBL may charge for the operational cost of services provided

5. The structure of the AISBL (cf. figure 1)

The General Assembly
The Register Board
The Secretariat

5.1 The General Assembly

Composition – as 3 above

Operation – shall meet at least once per year

Functions –

- Confirm the President & Board members
- Adopt the annual budget
- Decide on the exclusion of members
- Approve the application, approval and appeal procedures for inclusion in the Register
- Approve the accounts
- Decide on the dissolution of the association
- Amend the statutes – with a veto right for the majority of the founding members (if possible under Belgian law)

5.2 The Register Committee

Composition – as 3 above. All members of the Board shall be nominated and serve in a personal capacity

President –

Shall be a representative of one of the founding members

Operation – shall meet at least twice a year

Functions –

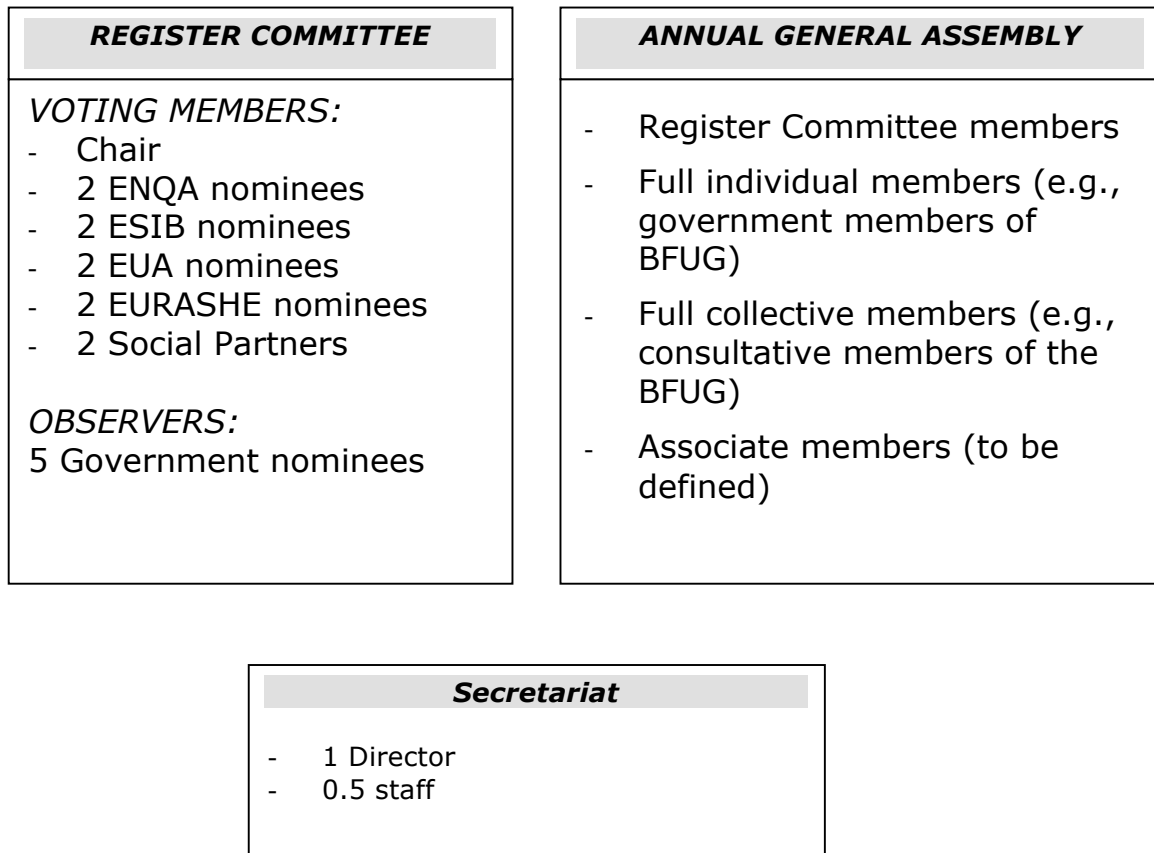
- Shall be responsible for receiving and evaluating applications and taking decisions on agencies to be included in the European Register of Quality Agencies
- Shall be responsible for the proper functioning of the secretariat

5.3 The Secretariat

To ensure the management of the work of the association it shall have a secretariat under the responsibility of a Director who will have the authority to represent the association and will be responsible for its efficient and effective operation.

REGISTER COMMITTEE: STRUCTURE

Figure 1



B: PROCESS

As shown in Figure 2 below, the process to get included with the Register would involve the following steps:

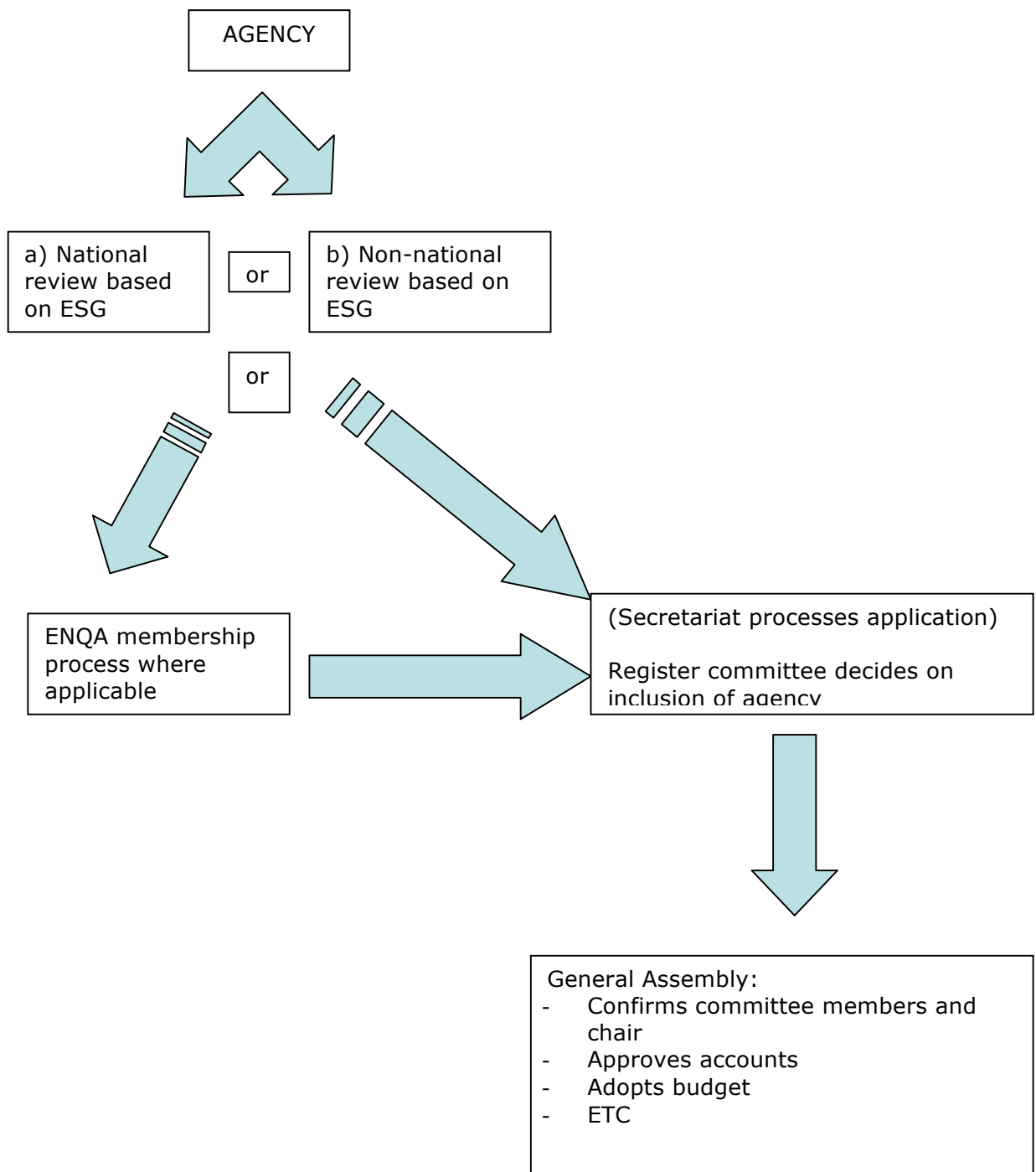
An agency would undergo a review, which can be organised nationally or not. Either type needs to conform to the principles elucidated in the ESG for the organisational aspects of the review. This means that the role of governments in nationally organised reviews should be limited to the organisational aspects of the review only. No government representative should be part of the review panel as this would constitute a conflict of interest.

If the first purpose of the review is to gain ENQA membership, the review report would go to ENQA. ENQA would make an independent assessment of this review and decide whether to admit the applicant. The review would then go to the Register Committee which will form its own view, taking into account the ENQA decision which would constitute *prima facie* evidence, provided the review is in conformity with Annex 5.

If the review was undertaken for the primary purpose of gaining admission into the Register, the review would go directly to the Register Committee for a decision.

In either case, the role of the secretariat of the Register Committee would consist in the administrative processing of the application (including liaising with the applicant if documents are missing) and its circulation among Register Committee members and observers.

Figure 2



Annex 3: Legal advice concerning the Register

This memorandum by Mr. Bruno Hubart and Mr. Henri Tack (Belgian lawyers) summarises a discussion on December 5, 2006, held with Mrs. Lesley Wilson, Mr. John Ashton (EUA).

I. Structure

We recommend that the Register of European Higher Education Quality Assurance Agencies (the "Register") be organised as a non profit international association ("*association internationale sans but lucratif*" or "AISBL") governed by Part III ("*titre III*") of the Belgian law of June 27, 1921, as amended by the Belgian law of May 2, 2002 (the "Law").

The AISBL perfectly meets the key requirements that the Register be organised as a non-profit and international entity, and that there be a distinction between the founding members and the observers. In addition, the AISBL presents the additional advantage of being very flexible *inter alia* in terms of membership (several categories of members are conceivable, such as "active" members, "associated" members and "honorary members") and governance. Finally, the fact that the AISBL's legal personality is granted by royal decree is often viewed as a "quality label".

To the extent that amendments to the charter of an AISBL are subject to the prior approval of the authorities, we recommend that the charter of the Register be as concise as possible and limited to the mandatory provisions under the Law.

II. Relationships with Partners

Such relationships may generally be organised as the members see fit. For example, an internal regulation of the Register may provide that partners who are not members may nevertheless attend *ad hoc* or annual meetings of members, participate to working sessions within the Register (*e.g.*, for purposes of defining the admission criteria) and provide comments on work carried out by the Register. Partners could as well be admitted as pure "honorary members".

III. External Appeals Procedures

We recommend that when the file submitted by an applicant does not meet the relevant criteria to be included in the Register, the applicant be informed and invited to submit an improved file pending which no decision is made. Thus, the Register would technically not take a decision triggering a potential appeal. Alternatively, the application form should bear a clear mention that, by submitting an application, the applicant recognises that the sole channel for appealing a negative decision of the Register is the external appeals procedure set up and organised by the Register. However, this technically would not prevent an applicant from filing a lawsuit with a national court.

Further thought should be given on the setting up and organisation of an external appeals procedure, as it may prove to be costly (constitution a panel of experts willing to act on appeals, fees and reimbursement of expenses of experts...).

IV. Protection of the Resources of Founding Members

The Register having its own legal personality, it will act and contract in its own name and account, thereby avoiding jeopardising the limited resources of the founding members.

However, it would be unusual for the founding members of an association not to contribute at least some limited resources to the association.

Annex 4: Cost estimate of the Register

The starting point of the following calculation is Bastian Baumann's Report. Estimates are based on costs in Belgium and specifically on EUA's experience of operating as an association in Belgium. Furthermore, the estimations start from the assumption that the Secretariat would consist of 1.5 FTEs: 1 senior officer/Committee Secretary and 1 part time administrative assistant.

Costs that would incur are related to:

- Office rental
- Office running costs, other administrative costs and equipment
- Salary and other costs associated with the secretariat
- Travel costs: 2 annual meetings of the RC, 1 annual meeting of the responsible bodies of the Belgian association (Committee, General Assembly of members), Experts carrying out external reviews?
- Information and publications, incl. website development and maintenance
- Expert fees for the external reviews carried out by the RC?

Re 1: Office rental – 2 offices for 3 people: **€20,000 - €25,000** annually

Re 2: Running costs - **€50,000 - €70,000** incl. purchase of necessary equipment, all office supplies, website maintenance etc... The costs for office and equipment could be reduced considerably if the secretariat were physically located with a Brussels-based organisation, which would agree to cover above costs or parts thereof.

Re 3: Salaries – for 1.5 FTEs as mentioned above: **€85,000 - €100,000** depending upon the seniority of the persons employed

Re 4: Travel Costs for:

- annual meetings of the RC, calculated on the basis of 10 members and 2 meetings - **€15,000 - €20,000** (and if not paid by the sending organisations)
 - -1 annual meeting of the organs of the Belgian association to take place at the same time as one of the RC meetings
1. Staff travel - **€5000 - €10,000**
 2. Expert travel for the conduct of external reviews – **for discussion**

Re 6: Expert fees - for legal advice, external auditor, IT support, etc. (for the conduct of external reviews? - **for discussion**)

Re 5: Information and Publications - **€10,000 - €20,000**

Total – first estimate: €185,000 - €245,000

Annex 5: Guidelines for national reviews of ENQA member agencies

These guidelines describe ENQA's requirements for the acceptability of national reviews of quality assurance agencies for the purpose of demonstrating compliance with ENQA's Full membership criteria.

1. Introduction

The membership regulations of the European Association for Quality Assurance in Higher Education (ENQA) require all member agencies to undergo an external review at least once every five years. External reviews are expected to include consideration of how far agencies meet the criteria for Full membership of ENQA. These criteria are identical with the European Standards and Guidelines in Quality Assurance (ESG) in the European Higher Education Area, adopted by ministers in Bergen in 2005. In line with the principle of subsidiarity which underpins the ESG, the five-yearly reviews will normally be conducted at national level.

2. Organisation of reviews

National reviews

External reviews of ENQA member agencies will normally be initiated and coordinated by national authorities, as part of their routine quality assurance arrangements. These guidelines are intended to help members ensure that their national reviews will produce the information needed to satisfy the requirements of ENQA membership. The guidelines build on the theoretical model presented in the annex to the ESG.

ENQA co-ordinated reviews

ENQA itself has only limited resources to co-ordinate reviews. There may, however, be instances where it is not appropriate or not possible for the review to be organised at a national level; for example where there is no suitable or willing national body to co-ordinate the review. Agencies wishing to engage ENQA to conduct their review must be able to justify why a national review would not be appropriate or possible. ENQA reserves the right to decline to coordinate an agency's five-yearly external review.

Guidance on the procedures and processes of ENQA co-ordinated external reviews of member agencies are available from the Secretariat.

3. Remit of the review

There are likely to be two types of nationally co-ordinated external review:

- a) a review whose sole purpose is to fulfil the periodic external review requirement of ENQA membership; and

b) a review which has a number of purposes, one of which is to fulfil the periodic external review requirement of ENQA membership.

4. Key features of the review

Certain elements will be required in a national review for it to be acceptable to the ENQA Board as a vehicle for demonstrating that the agency has met the Full membership criteria.

- the management of the review process must be completely independent of the agency itself;
- all parts of the of the review's management and process must be transparent and therefore easily open to examination by the ENQA Board;
- the report produced must be sufficiently detailed to provide satisfactory assurance for the ENQA Board of the robustness of the review;
- the report must provide sufficient, verified, information which clearly shows that the ENQA membership criteria have been met.

The review will generally consist of six phases – these are outlined below with a commentary on key features that lend themselves to the fulfilment of the above requirements.

I. Notification to ENQA

As soon as a member agency knows that a national review is to take place it should inform the ENQA Secretariat. The Secretariat should be provided with the identity and contact details of the body co-ordinating the review and vice versa. Although the review is being conducted on a national level it is advisable that ENQA should be kept informed of progress throughout the review, no matter whether it is of type (a) or (b). This is both to enable the Board to plan its workload and to help ensure that the outcomes of the review process meet the requirements of the ENQA Board in assessing compliance with membership criteria.

II. Formulation of terms of reference and protocol for the review

The terms of reference for the review should be drafted well before the process starts – and should clearly identify whether the review is intended to be a type (a) or type (b) evaluation. They should also state clearly the relationship of the review to the ENQA membership criteria.

An outline of how the review is going to run – number of reviewers, administrative arrangements, approximate timings etc – should also be clearly stated.

III. Nomination and appointment of a panel of reviewers

There is no single ideal model for the composition of a review panel. The key

requirements, however, are that members of the panel should be totally independent of the agency under review and have a sufficient level of knowledge, experience and expertise to conduct the review to a high standard.

A review panel will be able to perform its independent function most successfully when it comprises members who between them have a wide range of professional experience of higher education and quality assurance; this might well include:

- quality assurance experts from outside the system being reviewed;
- representatives of higher education institutions;
- student members;
- stakeholder members (for example, an employer).

International member(s) on the panel can provide very valuable insights for the review and help to establish its credibility, and it is therefore recommended that at least one member of the panel should be a quality assurance expert from beyond the jurisdiction of the agency under review.

The review panel should include a member who will act as secretary to the review.

No current or recent former member of staff of the agency under review should take part in the review panel or act as secretary to the review.

Nominations of experts could be sought from a wide range of sources – including agencies, stakeholders, local authorities, etc. – but the selection process must be carried out by a third party (ie, not by the agency being reviewed), to preserve the integrity of the process.

IV. Production of a self-evaluation report by the agency under review

The exact form and content of the self-evaluation report is something which will need to be negotiated between the panel and the agency under review. As, however, the self-evaluation report normally provides a substantial portion of the evidence which the panel will draw on in forming its conclusions, it is important that the report is both full, frank and that its contents can be corroborated by documentary and/or oral evidence.

The Annex to the ESG gives a detailed account of what might be included in the self-evaluation report of an agency undergoing an external review. This suggests that it is likely to be useful for a self-evaluation to contain:

- a brief outline of the national higher education system, the history of the particular agency and of the evaluation of higher education in general;
- evidence of the external quality assurance undertaken by the agency;
- details of the evaluation method applied by the agency including: the elements of the methodology; an account of the role of the external expert group;

- documentation of the agency's processes and procedures;
- details of the system of appeal;
- details of the agency's own internal quality assurance procedures;
- information and opinions on the agency from its key stakeholders.

V. A site-visit by the panel of reviewers to the agency under review

The details of the duration and schedule of the site visit may vary between reviews and may depend on whether the review is a type (a) or type (b). The length of the visit should be determined at the beginning of the review process when terms and conditions are being decided upon.

It is likely that a visit duration of at least two days will be necessary for a review panel to validate fully the self-evaluation and clarify any points at issue.

VI. Production and publication of a final report

It is essential that before publication the agency under review is provided with a copy of the draft report and sufficient time to check its contents for errors of fact.

Also see section five, below.

5. Key features of the report

The form of the review panel's report is likely to depend on the type of review that has been carried out.

Type A

Where the sole purpose of the review is the fulfilment of ENQA's membership requirements, the report should be clearly structured with this end in mind. Each membership criterion should be discussed separately.

To assist the ENQA Board to reach a sound conclusion, it is necessary for the report to include more than just a statement of compliance (or partial or non-compliance) for each criterion under scrutiny.

For each criterion, therefore, it is necessary to include:

- a summary of the evidence gathered
- an analysis of how far, based on the evidence available, the agency does (or does not) meet the criterion
- a summative conclusion stating whether the agency is fully or substantially compliant; partially compliant; or non-compliant.

Where an agency is found to be either partially compliant or non-compliant with a criterion, the reason for this should be explained. Full or substantial compliance may be impossible for some agencies, owing to restrictions placed on them by the very nature of their work and/or legislation in place in their

country(ies) of operation. When considering such cases, the ENQA Board will take mitigating circumstances such as these into account.

Type B

Where a review has a wider purpose, it is recommended that the report should nevertheless include a full chapter which deals specifically with the ENQA membership criteria, written in the same manner as has been described above for type (a) reviews. This would then provide the primary source of reference for the ENQA Board when forming its conclusions. The full report should still, however, be submitted for consideration.

Further characteristics for reports type A and B

It would be useful for all reports also to include the following information: an executive summary (including an overall conclusion regarding compliance with the ENQA membership criteria); contextual information:

- reason(s) for the commissioning of the review;
- the place of the agency in the quality assurance structure of its jurisdiction;
- the main functions of the agency;
- the engagement of the agency with the ESG;
- the terms of reference of the review;
- the details of the timescale over which the review was conducted;
- the identity of all panel members and administrative support arrangements;
- a description of the main stages of the review;
- any recommendations for improvement.

Key pieces of evidence – i.e. extracts from legislation, policies and procedures etc. – may be added to the report in the form of appendices.

6. Consideration of national review reports by ENQA

ENQA's General Assembly has delegated to its Board consideration of review reports and subsequent decisions in respect of membership. Where possible, the Board will use national reports to reach a conclusion on whether an agency has or has not met the membership criteria. If the report's contents, or the way the review has been conducted, do not, in the Board's opinion, allow it to come to a conclusion, it will decide what additional information it requires. This may comprise further documentary evidence, additional information from the review organisers or the agency itself, or information acquired during a short visit to the review organisers, review panel or agency. The Board's powers in respect of membership matters, and the rules relating to appeals against a decision of the Board, are contained in paragraphs 3.7 and 4.2.5 of the Regulations of the Association.

Approved by the ENQA Board
21 September 2006