From Transnational Co-operation to National implementation

European politics of quality assurance and the introduction of the *Standards and Guidelines for Quality Assurance in the European Higher Education Area*

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The paper addresses the growing importance of quality assurance in the Bologna process by focusing on how the Standards and Guidelines for Quality Assurance in the European Higher Education Area adopted in 2005, affect higher education policies at the national level. Indeed, the adoption of the ESG introduced a significant change in quality assurance policies throughout Europe. This change could be qualified as a shift from transnational co-operation and co-ordination to the implementation of a full-blooded policy-agenda at the national level: Quality assurance in the European Higher Education Area, irrespective of whether it is conducted by the institutions themselves or by the agencies, shall be based on the same principles.

By addressing recent developments in Sweden, the United Kingdom, Hungary and Germany, the study highlights the importance of the national setting, i.e. the national quality assurance policy and the legal framework, for the implementation of the ESG.

1. Quality Assurance in the Bologna Process

When the ministers responsible for higher education met in May 2005 for the Bologna follow-up conference in Bergen and adopted the Standards and Guidelines for Quality Assurance in the European Higher Education Area (henceforth ESG) (ENQA 2005), it was clear that evaluation and accreditation would gain a growing importance in the realisation of a European Higher Education Area. Indeed, the adoption of the ESG introduced a significant shift in European policies of quality assurance. This shift could be qualified as the transition from transnational co-operation and coordination to the implementation of a full-blooded policy-agenda at the national level.

Quality Assurance and National Politics

It is important to recall the national roots and development of quality assurance in order to understand its role in the Bologna process (Harvey and Green 1993). Indeed, the search for appropriate methods for the systematic enhancement of quality at higher education institutions

has been a key issue in political and scientific debates in most European countries for the last two decades. Moreover, it is likely that issues of quality assurance will remain at the top of the political and institutional agenda for the next decade.

The very reasons for the growing importance of quality assurance in higher education vary from country to country. Nevertheless, at least three international trends can be named for having substantial influence on the evolution of national quality assurance systems:

- the emergence of obvious quality problems in the provision of higher education, due to the transition of universities and colleges to providers of mass higher education,
- the growing financial constraints since the 1970s, inducing cost-cutting strategies in most public sectors,
- the increasing pressure for accountability as a result of a deregulation process furthering the autonomy of the higher education institutions.

Especially the latter of these trends indicates that the establishment of quality assurance systems refers to much more than to technical exercises developed by higher education institutions for assuring the quality of their study programmes. Rather, evaluation and accreditation processes have been set up as part of a new steering strategy. According to the principles of the *New Public Management* introducing substantial administrative reforms in all public sectors since the 1970s (Lane 2000), higher education institutions were given more autonomy and responsibilities. However, the independence from state regulation went hand in hand with the necessity to account for the quality (i.e. the effectiveness and efficiency) of their services (van Vught 1994, Trow 1996). Shortly after 1989, Western European evaluation methods and processes spread across former communist countries and accompanied the development of their small scale higher education sector to modern, differentiated and open systems of tertiary education (Tomusk 2000).

Apart from these developments that followed - although internationally shared - national agendas, a non-governmental actor tried to push through a higher education agenda very distinct from the national one. In 1994 the European Commission launched the project 'Quality Assessment in the Field of Higher Education' focusing on the development of procedures and methods in external quality assurance (European Commission 1995). In September 1998, the Council of the European Union approved a recommendation Concerning European Cooperation on Quality Assurance in Higher Education and proposed to establish a European Network of

Quality Assurance Agencies (henceforth ENQA) in order to promote the exchange of expertise and enhance cooperation between national agencies (EU Council 1998).

Although the quality assurance procedures varied (and currently still vary) from country to country, the EU project contributed to transmit some shared principles of quality assurance. These common principles are the foundation of a multi-stage approach: a self assessment acting as the first stage and an external peer review as the second. The third stage - the so-called 'follow-up' - has increasingly become established as an obligatory part of the process.

In conclusion, quality assurance has to be considered as 1) an attempt to resolve quality problems and as 2) a steering instrument for (public) higher education.

Quality Assurance 'from Bologna to Bergen'

Having recalled this, it seems surprising that quality assurance did not play a more influential role at the beginning of the Bologna Process. It was hardly mentioned when the ministers of 29 European countries signed the Bologna Declaration on the June 19, 1999 and agreed to create a European Higher Education Area. During the follow-up conference of 2001 in Prague, the ministers restricted themselves to furthering international cooperation and experience-sharing in quality assurance among member states (Prague Communiqué 2001). It was only two years later, at the Berlin conference in 2003, that quality assurance entered the 'Top 3' of Bologna's reform agenda. Ministers stated, *"the quality of higher education has proven to be at the heart of the setting up of a European Higher Education Area. [...] They also stress that consistent with the principle of institutional autonomy, the primary responsibility for quality assurance in higher education lies with each institution itself and this provides the basis for real accountability of the academic system within the national quality framework"* (Berlin Communiqué 2003, p. 3).

Ministers gave ENQA the mandate to develop - in collaboration with the European University Association (henceforth EUA), the European Association of Institutions in Higher Education (henceforth Eurashe) and the National Union of Students in Europe (henceforth ESIB) - *"an agreed set of standards, procedures and guidelines on quality assurance"* and to *"explore ways of ensuring an adequate peer review system for quality assurance and/or accreditation agencies or bodies"* (Berlin Communiqué 2003, p. 3).

A close inspection of the main outcomes of the 2005 Bologna follow-up conference in Bergen indicates that quality assurance not only beheld a prominent position on the European reform programme, but that a new stage of policy-making was reached.

The ministers:

- **adopted the ESG applicable to all institutions, procedures and actors,**
  Quality assurance in the European Higher Education Area, irrespective of whether it is conducted by the institutions themselves or by the agencies, shall be based on common principles. The shift from sharing national experiences to implementing European aims at the national level *"will not only lead to more consistency and a better mutual understanding of quality assurance but, […] will lead to a common understanding of, at least, principles of quality assurance"* (Hopbach 2006).
- **welcomed the principle of a European register of quality assurance agencies,**
  The second recommendation of the ministers concerned the introduction of a register of quality assurance agencies. This register should list all certified agencies operating in Europe. Higher education institutions would be entitled to choose any service provider on this list. A standing committee of experts in quality assurance would administer the register. The second recommendation will be one of the critical issues to be debated in 2007 in London and might affect the national quality assurance systems to a very large extent if agencies are no longer contingent upon nation-state recognition,
- **underlined** *"the importance of co-operation between nationally recognised agencies with a view to enhancing the mutual recognition of accreditation or quality assurance decisions"* **(Bergen Communiqué 2005, p. 3).**

Until the Bergen conference, discussions about and development of quality assurance at the national and the European level were dominated by the leading role of national actors: Experiences on the national level affected the European discourse and understanding of quality assurance by sharing experience and promoting best practice. With the Bergen conference however, the national influence on the European reform debate changed. According to the ministers, the ESG shall be adopted by the national actors, thereby introducing significant changes in the aims, the structure and the procedures of national quality assurance. Furthermore, ministers added new aims and objectives of quality assurance to be implemented in the national systems of quality assurance. These objectives are related to broader political aims of the European reform process such as enhancing mobility. They signalise the adoption of Bologna's overall policy-making approach to quality assurance.

2. Implementing the European Standards and Guidelines
Implementing Bologna
The national implementation of European politics and policies of quality assurance faces two substantial problems:

First of all, the dichotomy between the national interpretation of evaluation/accreditation as part of a new governance strategy in higher education on the one hand (some observers describe this process as a move from the 'interventionary state' to the 'facilitory' or 'evaluative state' [Neave 1998]), and the Bologna project to realise a European network of consumer protection on the other. Thus, there is a fundamental difference in the way the function of quality assurance is perceived and defined 1) at the national level and 2) at the European level, as outlined previously in this study.

Another problem is linked to the nature of the European policy process (i.e. its historical evolution, the generation of policy outcomes and its implementation). Bologna is not a 'traditional' Europeanization-process resulting in supranational institution-building and the delimitation of a new, supranational policy field. Rather, the Bologna-process is essentially intergovernmental: Although European stakeholders are involved in the drafting process of the policy-documentation, nation-states retain decision-making powers and an ultimate veto right. Furthermore, due to its intergovernmental structure, the Bologna-process/the Bologna Follow-Up Group does not dispose of any means to enforce national implementation of the European reform principles. Except for the newly established report- and benchmarking system, there is no possibility to identify and correct deviations in national implementation strategies. Following Francis Snyder, the Bologna process can therefore be considered as soft law, i.e. as *"rules of conduct, which, in principle, have no legally binding force but which nevertheless may have practical effects"* (Snyder 1994).

What are the implications of these two problems on the implementation of the ESG in particular?

Since the beginning of the EHEA project, issues of recognition and comparability of learning outcomes nourished reflections on the organisation of a reliable and all-encompassing system of quality control. Recent European efforts in this direction entail the creation of European Standards and Guidelines of Quality Assurance in the European Higher Education Area .

Whereas Bologna focuses on the regulation of study structures throughout the European Higher Education Area (i.e. the introduction of diploma supplements and ECTS), the formal and qualitative equivalence of study contents are examined by nationally organised assessments. To assure the reliability and comparability of such assessments at a European scale, a common understanding of the methods and organisational aspects of quality assurance was needed. Hence, in May 2003, the European ministers mandated ENQA, EUA, EURASHE and ESIB to prepare a policy paper on European standards for evaluation and accreditation for the intergovernmental conference held in Bergen two years later. The standards and guidelines were ratified in 2005 and are now fed back into the national policies.

The ESG are composed of three parts:

- Part 1: European Standards and Guidelines for Internal Quality Assurance of Higher Education
- Part 2: European Standards and Guidelines for External Quality Assurance of Higher Education
- Part 3: European Standards and Guidelines for External Quality Assurance Agencies

As previously stated, the guidelines apply to higher education institutions, agencies of quality assurance and policy-makers (i.e. the state). The ESG thus form an all-encompassing framework of reference for all stakeholders. The ESG are formulated in a very generic way in order to fit very diverse national settings. Let us focus on a detailed description of the ESG's content and focus instead on the fundamental principles of the policy-document:

- *"The interests of students as well as employers and the society more generally in good quality higher education*
- *The central importance of institutional autonomy, tempered by a recognition that this brings in heavy responsibilities*
- *The need for external quality assurance to be fit for its purpose and to place an appropriate and necessary burden on institutions for the achievement of its objectives"* (ENQA 2005, p. 10).

Again, it should be highlighted that the standards reflect basic good practice in Europe as outlined in other policy documents as for instance, INQAAHE's *Guidelines of Good practice* (INQAHEE 2005) or ECA's *Code of Good Practice* (ECA 2004) (Aelterman 2006). At the very core of the ENQA-project is the idea to further institutional autonomy of both higher education institutions and quality assurance agencies.

Being a child of the Bologna process, the ESG did not escape the European implementation dilemma. As their (legal) status remains highly unclear, the implementation strategies differ from one country to another. *"The standards […] do not attempt to provide detailed guidance about what should be examined or how quality assurance activities should be conducted. Those are matters of national autonomy, although the exchange of information amongst agencies and authorities is already leading to the emergence of convergent elements"* (ENQA 2005, p. 14).

The implementation of the ESG thus depends on 1) the way the ESG cope with the national quality assurance policies and the priorities of its main actors, 2) the way the ESG fit into the legal setting in place and 3) the enforcement-possibilities at the supranational level.

In order to assess the implementation of the ESG in Sweden, the United Kingdom, Hungary and Germany, it is essential to 1) establish a clear distinction between the national interpretation, regulation, and evolution of quality assurance and 2) control for the permeability of the national setting to European quality assurance policies.

3. National Quality Assurance Systems: Policies and Regulations

3.1 Quality Assurance in Sweden

Compared to the high enrolment rate of school leavers in tertiary education, Sweden has a relatively small higher education sector composed of 39 higher education institutions, most of which are independent state agencies reporting directly to the government. This organisational status confers an important amount of autonomy to public institutions and can be considered as the result of an early deregulation process. The 1993 *Higher Education Act* gave universities the right to award all degrees including doctoral degrees, whereas the university colleges were only allowed to award the Bachelor's degree. *"The University Act [together with the University Ordinance] replaced thousands of pages of national regulation"* (Wáhlen 2004b, S. 139). The government's role then shifted from providing ex-ante regulations to checking the attainment of the institutions' goals.

The Swedish quality assurance agency *Högskoleverket* (henceforth HSV) has been established by governmental decree in 1995, in order to provide higher education steering with a central information and coordination platform (a role formerly attributed to an all-encompassing planning organ, the Office of the Chancellor). Its duties include quality assessment and accreditation, supervision and research. The HSV is also responsible for higher educations statistics, evaluation of foreign education and provision of study information.

Legal Embeddedness of Quality Assurance and Quality Assurance Agencies

Swedish quality assurance policies and laws make a fundamental distinction between evaluation (i.e. institutional audit and programme evaluation) and accreditation, which is considered to be a form of certification or approval of the institution's/the programme's status. Any institution that wishes to award a degree which it is not eligible to award must apply to the HSV. This examination procedure has to be differentiated from the regular evaluation business of the agency.

General legal regulations governing quality assurance activities are set out in the *Higher Education Ordinance*. In the Swedish political context, the government funds the agencies, defines their tasks, and appoints their directors. Decisions regarding the procedure, the stages of the processes and the outcomes are left to the agency. This is to say that the HSV owns the evaluation process. Hence, it can be considered as politically independent or formally independent with regard to methodology and decision-making. Critics in academia remain nevertheless sceptical as to the real scope of the government's influence in the business of quality assurance (Sjölund 2002).

Evolution of the National Quality Assurance Policy

Previous to 2001, no attempt was made to directly assess the quality of teaching or student learning. Rather, academic audits focused on those processes by which academic institutions exercised their responsibility to assure academic standards and improve the quality of their teaching and learning (Dill 2004). The aim was to determine whether universities and colleges were developing a culture that enables a continual improvement throughout their operations (Crozier et al. 2005).

After two successive evaluation cycles however, institutional audit has been supplemented (some would say replaced) by programme evaluation. In addition to a regular thematic review at institutional level (focusing on issues such as gender equality), programme evaluations are carried out every sixth year. They have the threefold aim of development, control and information to the stakeholders (i.e. students, government and employers). The 2001 reform was partly the result of student pressures;student unions complained that institutional quality audits did not provide information on the quality of the study subjects. Furthermore, it seems as if institutional audit brought about a limited scope of change. Although institutional audit raised the awareness of the effective coordination and management of academic life, the so-called quality culture did not permeate to the basic academic units (Wáhlen 2004b).

The general idea behind the programme evaluation exercise as well as its general structure were thus developed by the government and presented in a government bill. The purpose of programme evaluation is to draw a detailed picture of the quality of the study programmes, i.e. to control for a minimum quality at every level. The HSV's function with regard to quality assurance consequently shifted from contributing to quality enhancement to providing accountability in a perspective of quality enhancement.

What was completely new is that, contrary to previous evaluation cycles, this kind of evaluation can be linked to negative and positive sanctions (i.e. the up- and downgrading of the institutions' degree-awarding status). Even though programme evaluations are now carried out in a comparative manner, no methodological modifications were introduced. It is the public perception of quality assurance that changed, motivating a lively debate on the finality and methods of evaluation/accreditation between higher education institutions and the HSV: Is the HSV really autonomous in its decision-making? How far do the competences of the agency go? Is the institutional autonomy at risk? Does programme evaluation lead to standardisation? What kind of indicators could possibly reflect the quality output of an institution and legitimate far-reaching accreditation decisions?

Permeability of the National Quality Assurance Policy to European Developments

The permeability of Sweden's quality assurance policy to European developments is difficult to evaluate. It seems as if Sweden was always influenced by and partook in European reform projects such as the 1994-1996 European pilot project. Furthermore, the HSV is an active member of the *European Association for Quality Assurance in Higher Education* and participated at the *Joint Quality Initiative*.

Nonetheless, Sweden proves to handle the implementation of the Bologna principles very carefully. In 2002, a working group was appointed by the *Swedish Ministry of Education and Science* in order to undertake a national degree-review. The group eventually produced a proposal circulating among the stakeholders and which shall come into effect by July 2007.

In the national Bologna report 2005, one of the main challenges of implementation identified by the Swedish rapporteur is *"the protection of different national traits within the framework of the Bologna process"* (Röding 2005, p. 14). This statement points to the importance of national regulations and national quality culture (here defined as the national specificity of policy-makers and stakeholders to deal with issues of quality assurance) with regard to the ongoing Europeanization process.

3.2 Quality Assurance in the United Kingdom

The most important feature of the English quality assurance system (and with some variations also of the Welsh and Scottish quality assurance system) is that English universities are autonomous to a large extent. Indeed, universities are not even regarded as part of the public sector. Thus, the government cannot intervene directly in the business of the higher education institutions. The 'Department for Education and Skills' issues policies and programmes instead of attempting legal actions. The latter enables the state establishes an indirect relationship to the

universities via intermediary bodies. The funding councils provide an externally defined framework for strategic action in higher education institutions.

The quality assurance system, as it is known today, came into being with the resolution of the Further and Higher Education Act of 1992, which transformed the existing funding bodies into three new funding councils for England and Northern Ireland, Wales and Scotland and charged them with the responsibility for assuring the quality in teaching and learning. After having performed this task on their own for approximately four years, the funding councils withdrew from this field of activity. As a consequence, the Quality Assurance Agency for Higher Education (henceforth QAA) was established in 1997 as an independent body funded by subscriptions from universities and colleges of higher education and through contracts with the main higher education funding bodies. The agency was given the duty to review the degree programmes of all higher education institutions and to "*safeguard the public interest in sound standards of higher education qualifications*" (QAA 2003, p. 3). The establishment of the QAA can be considered as the result of the growing public interest in ensuring that universities and colleges provide higher education awards and qualifications of both acceptable quality and appropriate level.

Legal Embeddedness of Quality Assurance and Quality Assurance Agencies

The legal framework of quality assurance, the Further and Higher Education Act of 1992, is of a general and abstract nature. Within this framework, the higher education institutions themselves are responsible for key processes like student admission, staff appointment, the design and evaluation of courses and curricula, the examination of students and, finally, the awarding of degrees (in the case of universities). Only in the field of regulated professions like engineering and medicine are the awards to be accredited by professional bodies.

The existence of widely autonomous institutions with self degree awarding/self accrediting power and indirect state steering structured the British quality assurance system. In 1992 the three new funding councils were given the statutory duty to ensure that the teaching provision they funded with public money was of high quality. Today, the funding councils fulfill this duty by contracting the Quality Assurance Agency on an annually basis. The QAA has to devise and implement quality assurance methods on their behalf. Incidentally, neither the law nor the funding councils define in detail how the quality procedures should be developed. Hence, the QAA itself is responsible for defining methods and criteria for the quality procedures.

Evolution of the National Quality Assurance Policy

From the beginning, the QAA conducted both institutional reviews and 'Teaching Quality Assessments' (TQA), a system wide disciplinary review of degree programmes. Given the self accrediting status of British universities outlined above, the quality assessments represented a major change for the higher education system. Consequently, the work done by the QAA, especially the TQA procedures, provoked tremendous concern among the teachers. Not only did they blame the QAA for wasting their time and resources they also criticised the organisation for interfering in the autonomy of the institutions. After completion of the first TQA cycle in 2001, the agency switched to a lighter procedure and restricted its work to the external review of the institutions; a process that was revised again in 2003.

The evolution of the QAA procedures was accompanied by the establishment of a comprehensive external framework for quality assurance in higher education known as the 'academic infrastructure'. The academic infrastructure consists of four elements:

- a code of practice for the assurance of academic quality and standards in higher education,
- qualification frameworks,
- subject benchmark statements setting out expectations about standards of degrees in a range of subject areas,
- programme specifications which contain concise descriptions of the intended outcomes of learning in a given study programme.

These four elements are supplemented by the so-called 'external review', which means that, in principal, reviewers from other universities are involved in student assessments.

In the British case, the principle of autonomy must not be understood as the absence of external influences or regulations on internal quality assurance. On the contrary: The specificity of the British quality assurance system is its strong external component, which is integrated in the internal mechanisms of evaluation.

Permeability of the Quality Assurance Policy to European Developments

The permeability of UK's quality assurance policy to European developments is difficult to evaluate. One the one hand QAA always played a very active and influential role at the European level. On the other hand, it is easy to get the impression that British higher education institutions are reluctant to adopt the Bologna principles (especially in the early days). Examples such as the growing student involvement in expert groups and decision making bodies show that British higher education institutions gave into European reform trends only recently.

The introduction of accreditation mechanisms is at the core of a heated discussion: In the national Bologna report 2005, the UK stated that the institutional audit approach provides *"significantly greater public information than that conveyed by a simple accreditation label"* (Green 2005, p. 5). Although the decisions made by QAA are quite similar to accreditation decisions, the UK sticks to the position of not introducing accreditation. In conclusion, the permeability of the quality assurance policy to European developments should be estimated as rather high as the UK was one of the European pioneers in quality assurance. European developments were heavily influenced by British evaluation activities.

3.3   Quality Assurance in Hungary

The evolution of the Hungarian quality assurance system echoes the history of democratic transition. Although the national quality assurance agency, the Hungarian Accreditation Committee (henceforth HAC) has been established as soon as 1993 by parliamentary decree, its functions were limited to the implementation check of the *Higher Education Reform Act* issued the same year. Its very mission and budget were then fixed by the parliament. Within this framework, the HAC's main responsibility was to accredit all higher education institutions and programmes that issued state recognised degrees, including private and denominational universities and colleges.

Accreditation is still the prerequisite to a ministerial licence of operation, even though HAC statements are not binding for the government.

Although a system of internal quality assurance should have been established by 2001, few higher education institutions actually implemented such cost-intensive units. Moreover, Hungarian policy-initiatives concerning the quality of higher education were/are rather modest. The system lacks clear policy guidelines and a definition of quality in higher education. It establishes a fundamental difference between the national responsibility over quality assurance, which resides with the ministry (responsible for the policy-making) and the HAC (responsible for the quality attestation) on the one hand, and the institutional responsibility of the universities and colleges on the other.

Legal Embeddedness of Quality Assurance and Quality Assurance Agencies

Hungarian quality assurance is entirely regulated by law, whereby the *Higher Education Act* represents the highest level of compliance. Nearly every recommendation or reform proposal is transferred into a detailed legal framework. For instance, the primary standards against which the HAC measures quality are state provisions in the *Higher Education Act*. The HAC has thus

to control for the actual realisation of the law, accompanying the transition of the Hungarian higher education sector from a fragmented and centrally planned elite school-sector to a full-blooded, modern tertiary education system involving more than 34% of a student group.

Since 2001, the tasks of the HAC were broadened in order to include programme evaluation, as well as the evaluation of recruitment procedures and *National Qualification Requirements*[1]. Although the government preserves the main steering function, the HAC's evolution over the past decade, the widening of its scope of activity, can be read as the story of an incremental detachment of its accreditation activities from the legal state support and the government's sphere of intervention. One of the reasons for this change can be found in Hungary's growing European engagement.

Evolution of the National Quality Assurance Policy/Permeability of the National Quality Assurance Policy to European Developments

A first renewal of the accreditation framework took place in 2000, at the end of the first accreditation cycle. This moment coincides with the European engagement of Hungary and the HAC. The evaluation of the agencies activities by the EUA in 1999/2000 and the accession of Hungary to the Bologna process (1999) had a great impact on the reformulation of the HAC's and the government's strategy in quality assurance matters: Since then, competition transparency and mobility became new impetuses to higher education institutions' management. Academic leadership and the ministry started to consider issues of institutional efficiency, internal quality assurance and the international dimension of quality assurance. Furthermore, one should keep in mind that, *"comparing the individual approaches of the European Association for Quality Assurance in Higher Education (ENQA), of the European Consortium for Accreditation (ECA) as well as the European University Association (EUA), the high degree of similarity becomes immediately obvious"* (Hofmann 2006, p. 12). Hence, some of the ESG-principles might already have been discussed and implemented following the EUA's institutional evaluation of the HAC in 1999/2000.

The 2000-reform of the quality assurance framework (especially with regard to the finality and the methodology) pointed to:

- the need of transparency and

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[1] NQR define the expectations and formal requirements i.e. examinations, ECTS and standards for study courses in Hungary

- the need of a new strategy leading to the improvement of higher education quality in establishments at the aftermath of transition.

The HAC thus took on a new role. It became a consultant to higher education institutions with regard to management and financial issues, problems related to the study structure and internationalisation. The new function repositions the national agency with regard to the government. This emancipation from immediate political influence can be illustrated by different points: Prior to 1999 the HAC conducted institutional accreditation measures against very general, state-proclaimed standards set down in the *Higher Education Act*. The focus was then put on higher education input and accountability. Reports were not published and stakeholders were not included. From 1999 on, however, the HAC experts from various disciplines worked out sets of minimum standards for all disciplines[2].

The new deal of quality assurance gears accreditation towards quality enhancement. This, in turn, had methodological implications[3]:
- the evaluation process focuses on quality output (introduction of SWOT analysis at the institutional level),
- higher education institutions have to produce a yearly 'Quality Report', which will serve as an information basis to programme and institutional evaluation,
- evaluation reports are now to be published. Stakeholder involvement is encouraged.

The HAC develops its own criteria and standards, thus gaining full control over its activities. In the past few years, issues of professionalisation have increased dramatically within discussions concerning quality assurance. The idea is to gain a professional status that would guarantee the accreditor more autonomy in its decision-making. The adoption of internationally valid standards is considered to be part of the professionalisation strategy of the HAC. Consequently, the adoption of the ESG reveals a highly political aspect in the Hungarian higher education sector.

3.4 Quality Assurance in Germany

The introduction of quality assurance in the German higher education sector has clearly been influenced by the EU project 'Quality Assessment in the Field of Higher Education'. Building on the experience of this project, the 'German Rectors' Conference' signed the resolution Evaluation in German Higher Education Institutions with Particular Reference to the Evaluation

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[2] Those standards and criteria are however included in the *Higher Education Act*'s annex.
[3] It is, however, difficult to establish a clear causal link between Bologna and the reform undertaken by HAC/HAC emancipation, as European developments occur at the same time as the reorientation of the state's steering strategy: deregulation (supervision role of the state under review/financial reform), HEI autonomy.

of Teaching in 1995 and outlined the fundamental principles of quality assessment procedure in higher education (HRK 1995).

It might seem surprising that the Rectors' Conference took the lead in this development since, traditionally, the German higher education sector has always been subject to a high level of state control. It should be noticed that the Rectors' Conference was highly aware of the international trends and was therefore the first to engage into European projects and programmes. In 1998, quality assurance finally reached the level of legal regulation. The Higher Education Framework Law was amended to include quality assurance in teaching and learning as a statutory obligation for higher education institutions. The regional higher education laws were amended accordingly.

At the end of the same year, the Standing Conference of the State Ministers of Education and Culture (henceforth KMK), took the decision to realise a German quality assurance system by introducing accreditation procedures for the new Bachelor's and Master's degree programmes. Accreditation would replace the former system of the so-called 'Framework Examination Regulations' (Rahmenordnungen) as well as the constitutive supervisory approval of degree programmes by the *Länder*. Over the years, experience has shown that the development and the promulgation of the Framework Examination Regulations was an extremely ponderous process. As it took many years to get to a conclusion, most of the regulations were already obsolete and in some cases counter-productive when they came into use (HRK 2004, Schade 2004). In fact, the implementation of the German accreditation system has to be seen as a core element of the reform of the state approval procedure for degree programmes.

The accreditation system was implemented as a two level system with the Accreditation Council as the central player, responsible for enforcing comparable quality standards within a decentralised accreditation system. Actual programme accreditation is however performed by accreditation agencies. The duties of the Council involve: 1) agency accreditation, i.e. assigning them power of authority for a limited period to accredit degree courses by awarding the Accreditation Council seal, 2) monitoring agency compliance and periodic re-accreditation, 3) defining the minimum requirements for the accreditation process. The Council also strives to ensure fair competition between the accreditation agencies.

Legal Embeddedness of Quality Assurance and of Quality Assurance Agencies

Due to the framework conditions as stipulated under constitutional law, responsibility for higher education lies mainly with the sixteen *Länder*. Recently, the federal system underwent an extensive reform, which resulted in shifting almost all responsibilities for higher education that still remained in federal hands to the *Länder*.

Quality assurance in German higher education is only partly regulated by law. The regulations concerning the two pillars of quality assurance, i.e. accreditation of degree programmes and evaluation of teaching and learning differ a great deal. The accreditation system has a clear legal basis set out in Article 9 of Germany's <u>Framework Act for Higher Education</u>. Article 9 states that the *Länder* are jointly responsible for ensuring equivalence of degrees, examination grades, qualifications and the possibility of their transfer from one higher education institution to another. By establishing an accreditation system under the supervision of the central Accreditation Council, the sixteen *Länder* transferred implementation of this joint responsibility to the Council. Whereas this led to establish a consistent accreditation system for Germany, there is no equivalence for the second pillar of quality assurance, the evaluation of teaching and learning. Only recently, in autumn 2005, did the KMK pass a recommendation entitled <u>Quality Assurance for Higher Education Teaching,</u> which recommended that higher education institutions implement a comprehensive internal quality assurance system with external components. Most of the sixteen *Länder* higher education acts contain regulations for evaluation. They are however restricted to the general duty given to the higher education institutions instead of stating details as to the aim, the methods and, most importantly, the consequences of evaluation. Thus, only two out of the sixteen German *Länder* have implemented a system and a policy for evaluation of teaching and learning.

Evolution of the National Quality Assurance System

After completion of a three-year trial period, the KMK decided to introduce accreditation on a permanent basis in 2002. From then on, accreditation is valid for all *Länder* and higher education institutions. In 2005 the Accreditation Council has been put on a new legal basis by establishing a Foundation for the Accreditation of Study Programmes in Germany. This would, resolve the remaining legal insecurities of the system (Accreditation Council 2006).

Besides the fact that the accreditation council has regularly developed and reviewed accreditation standards and criteria since 2000, no major changes have been made concerning the overall accreditation approach. It is only recently that the Accreditation Council has been

mandated by the KMK to draft recommendations on the feasibility of carrying out institutional evaluations. The reasoning behind this mandate goes back to the criticism that programme accreditation is a heavy burden for the higher education institutions (in terms of costs and human resources). This well-known debate has been reinforced by the argument that institutional approaches of quality assurance would be more compatible with the principle of autonomy of higher education institutions as basic reference point for quality assurance set forth in the Berlin Communiqué.

In the evaluation sector, a variety of agencies and networks emerged between 1994 and 2003. They all adapted the principles of evaluation established in the mid-nineties. The evolution of the evaluation sector is not easy to describe, since it has never become a consistent system based on common rules. Surveys of the German Rectors' Conference point however to the fact that an increasing number of higher education institutions use internal and external evaluation mechanisms (German Rectors' Conference 2005). This development indicates the growing importance of internal quality assurance, which is closely linked to internal management decisions.

Permeability of the Quality Assurance Policy to European Developments

The permeability of Germany's quality assurance policy to European developments seems quite obvious. This is not surprising since the European pilot project 1994-1996 directly influenced the most important recommendations of the German Rectors' Conference in that matter. Subsequently, several German agencies were founding members of ENQA and of other European initiatives such as the *Joint Quality Initiative* or the *European Consortium for Accreditation (ECA)*. Some of the German developments echo the discussions at the European level, as for example the addition of a follow-up as an additional phase in the evaluation process. With regard to student involvement, Germany can even be considered as example for other countries. From 1999 on, students played an active role in every phase of the accreditation process (including decision-making).

4. The Implementation of the ESG in Sweden, the United Kingdom, Hungary and Germany

4.1   ESG Implementation in Sweden

The Swedish reaction to the ESG are captured by the NOQA report on the implementation of the ESG (Vinther-Jørgensen T. and Ploug Hansen S. 2006). Although this report is not to be considered as official statement and groups together the views of as many as five Scandinavian countries, it provides the reader with a rough idea on how the ESG are regarded by Swedish stakeholders.

The NOQA reports points to four issues considered to be of importance for the implementation and the evolution of the ESG:

- the ESG focus more on what should be done, rather than on how they should be achieved. Written documents and formal arrangements are given precedence over informal practices and arrangements.
- the ESG contain a number of concepts and terms assumed to be commonly used and understood in European quality assurance agencies. However, these terms need some clarification (i.e. organisational independence, core function, follow-up).
- more precise threshold values regarding the different standards are required if the European agencies are to be reviewed and assessed in a consistent manner.
- there is an absolute need to clarify the status of the guidelines (especially with regard to the national legal framework).

It seems as if the first reaction towards the ESG was to check national compliance with the European expectations. Most of the ESG form an integral part of Swedish quality assurance since the early 1990s. Stakeholder participation, for instance, is an important feature of Swedish higher education policy-making and management since the 1960s. Hence, students have always been involved in evaluation processes.

The guidelines that were not already implemented in the national setting were opened up to discussion. This was the case with guideline 3.7, stating the possibility to appeal against the agency's decision. The legal consequences entailed by the implementation of standard 3.7 proved to be very important as it would require the revision of the constitutional text: "*This appeal possibility must [...] be adapted to the legislation in force in the country in which the evaluating organisation operates. Sweden's Higher Education Ordinance lies down that no*

appeal may be made against a decision made by the National Agency for Higher Education pursuant to the Higher Education Act and Higher Education Ordinance" (HSV 2005).

Thus, the effects of the ESG on the national setting are de facto limited as most of the guidelines were valid before 2005. Those standards and guidelines that were not, were considered to be inapplicable to Swedish quality assurance as they were not compatible with state law. ESG 3.7 has initiated a broad and lengthy debate on the possibility to change the Swedish constitution. The outcome of this debate is not yet to be foreseen.

4.2   ESG Implementation in the United Kingdom

In accordance with the legal framework of quality assurance in higher education, the main responsibility for implementing the ESG lies with the higher education institutions themselves. Whereas universities and colleges are in charge of implementing the first part of the ESG, the national quality assurance agency, the QAA, is responsible for the realisation of part two and three of the ESG. Hence, nothing changed with regard to the distribution of tasks and responsibilities in the realm of quality assurance. Neither the ministry nor the rectors' conference took the initiative to formulate an official or formal policy statement concerning the implementation of the ESG. Not even a joint working structure for advising and/or organising the implementation process has been set up.

The overall attitude towards the ESG is not easy to capture. The current discourse on Bologna does not consider the ESG as being an urgent reform matter compared to the problematic introduction of ECTS. This is not to say that the ESG are not of interest. Rather, this situation should be seen as a sign for an overall and broad acceptance of the principles set forth in the ESG. A second possible interpretation may be that quality assurance in British higher education is already based on principles complying with the European reform agenda. The 'UK Higher Education Europe Unit', an organisation funded by the British rectors conference, the three funding councils, GuildHE and the QAA, that coordinates the involvement of the UK higher education sector in the Bologna Process, stated: *"The European Standards and Guidelines are, on the whole, compatible with UK quality assurance arrangements and have the potential to support the development of a quality culture and mutual trust in European higher education. […] The Standards and Guidelines will not create an additional layer of evaluation or bureaucratic burden for UK higher education institutions"* (UK Higher Education Europe Unit 2006).

Since the QAA provides the higher education institutions with substantial guidance for designing and conducting internal quality assurance, the agency plays also a major role in implementing part one of the ESG. As neither the ministry nor the funding councils have stipulated detailed regulations for the manner with which the QAA is to conduct external quality assurance, it seems as if it was entirely responsible for the implementation process. The agency has conducted a comprehensive exercise to map the compliance of the ESG to several parts of the academic infrastructure and to the principles/policies of the agency. It does not come as a surprise, that the outcome of this exercise showed a broad alignment with the ESG. As far as adjustments seem to be advisable or even necessary, QAA opted for, as they called it, a "light touch", revising the respective standards or procedures within the regular terms instead of initiating a special ESG-driven revision: "*Audit teams will, in practice, use the UK's Academic Infrastructure as their prime point of reference, but they will be interested to know how institutions have considered the expectations of the ESG and other guidance relating to European or international practices*" (QAA 2006a, p. 9).

Only one major change is to be expected with regards to the ESG implementation: Student participation in quality assurance procedures varies between England/Northern Ireland and Scotland. Whereas in Scotland students are regular members of the review panels and the decision-making bodies of QAA Scotland, this is not the case in England. This is not to say that students do not participate in audits carried out by QAA England. Rather, their role focuses on providing information before and during the site visits. Recently, the co-operation between QAA England and the National Student Union has been intensified, and practicalities for having students as full members of the board of directors are explored (QAA 2006b).

It seems as if British quality assurance is, on the whole, in line with the ESG. This is no surprise, since the UK was one of the European pioneers in internal and external quality assurance in higher education. Not only were international and European trends always taken into account in the development of national evaluation methods and practices; the QAA was also one of the major driving forces in the reform discussions at the European level.

4.3   ESG Implementation in Hungary

The introduction of the ESG in Hungary correlates with the amendment of the *Higher Education Act* in 2006, according to which new Bachelor and Master programmes shall replace the traditional, single stream college or university programmes. All require accreditation. Although the amendment of the HEA was the object of heated debates concerning the HAC's legal

background, the new HEA can be considered to be the legal framework to the ESG's implementation. For instance, it established an appeal's procedure against the Committee's decisions.

Yet, the introduction of the ESG seems to entail one aspect, which differs from the implementation strategies in Sweden and the United Kingdom. The ESG are viewed by the national accreditation agency as professional codex or an (in)formal framework for the profession. In its 2006 policy-statement statement, the HAC considers the ESG to be a mean of guaranteeing its independence, its autonomous status against state-intervention: *"The ESG, as articulated by ENQA and its partners and now generally established in Europe, must govern our work. This will set a solid basis on which the organisation can unequivocally define its position within higher education and the educational government, and safeguard its independence from these two vital actors in higher education"* (HAC 2006).

The ESG thus becomes a political stake insofar as they contribute, in the agency's view, to gain full control over its activities, i.e. to establish itself as professional organisation independent from state control. In this respect, the HAC follows a much more offensive implementation strategy compared to the implementation strategies of agencies in other Central European countries: *"While complete independence cannot be guaranteed, independence in the sense that the conclusions of an accreditation decision should be free from outside influence should be"* (CEE 2005).

4.4   ESG Implementation in Germany

Given the legal framework for higher education in Germany and the binary structure of quality assurance composed of a regulated accreditation system and a diverse (not to say incoherent) system of evaluation, the responsibility for implementing the ESG lies with different actors: Due to the lack of legal regulations for internal quality assurance, part one of the ESG has to be implemented by the higher education institution individually - unless respective laws were stipulated by the regional governments. As to the second and the third part of the ESG, one has to make a difference between accreditation and evaluation. Since the accreditation system is regulated by law and the Accreditation Council issues the binding regulations, responsibility lies with the Council.

This very situation led to different implementation policies, out of which two are central: 1) The non-binding recommendations in the field of internal quality assurance and external evaluation and 2) the binding regulations for accreditation.

The so-called 'National Working Group on Continuing the Bologna Process' set up a joint working group that included all relevant actors and stakeholders in the field of quality assurance (i.e. actors at the regional and state level, the Rectors' Conference, students, the Accreditation Council and the agencies) to develop overall recommendations for the implementation of the ESG. In September 2006, the National Bologna Working Group presented the outcomes of this exercise comprising a German interpretation of the ESG, as well as recommendations addressed to the higher education institutions; the *Länder* and the quality assurance agencies. Since the KMK rejected the recommendations, there is nothing like a co-ordinated or common implementation strategy for the moment.

Besides this joint effort, most of the actors took similar initiatives within the framework of their own responsibilities. With reference to the first part of the ESG, the KMK has issued recommendations for the design of internal quality assurance systems. The 'German Rectors' Conference' is planning to publish recommendations in spring 2007. The German 'Accreditation Council' finally issued recommendations on the implementation of the second and the third part of the ESG, thus affecting indirectly the overall ESG-implementation. The Accreditation Council took the opportunity of a necessary review of its standards and criteria in order to integrate those ESG that were not yet part of the framework. As a result, the ESG are today part of the regular accreditation criteria.

Generally speaking, the different implementation strategies have yet to deal with serious problems concerning the adoption of the ESG. Most of the ESG principles were already included in the accreditation and evaluation framework before 2005. After all, the German quality assurance system has been reviewed and developed with regard to international standards. Nevertheless, two major challenges are to be mentioned: In the field of external evaluation, only very few agencies are recognised by a competent public authority as requested in standard 3.2. To resolve this problem and confer them an international credibility, the *Länder* would have to implement a mechanism of recognition, i.e. to create a national evaluation system. This kind of scenario is however unlikely, as the *Länder* want to retain their far reaching policy-making competences at the regional level.

With reference to internal quality assurance, one has to concede that, even though the principles of the ESG are widely accepted by the higher education institutions, very few actually implemented comprehensive mechanisms for internal quality assurance.

In conclusion, the case of Germany resembles the implementation procedure in the United Kingdom and Sweden, where no official/legally binding implementation strategy has been designed. As the German system of quality assurance always monitored for growing international trends, the implementation of the ESG does not lead to fundamental changes in the quality assurance procedures. The implementation of the ESG is realised by the higher education institutions and by the quality assurance agencies, rather than through legislation or ministerial policies.

5.   Conclusion

The implementation dilemma for European quality assurance policies arises from the fact that the national level of implementation has reform priorities on its own. Indeed, quality assurance fulfils a very specific function in national higher education systems and is often part of an all-encompassing deregulation strategy. Thus, quality assurance takes over steering functions, which make it highly resistible to transnational reform endeavours. All the more so, since the European reform principles are not binding for the nation states.

The adoption of the ESG introduced a significant change in quality assurance policies throughout Europe. This change has been qualified as a move from transnational co-operation and co-ordination to the implementation of a full-blooded policy-agenda at the national level: Quality assurance in the European Higher Education Area, irrespective of whether it is conducted by the institutions themselves or by the agencies, shall be based on the same principles. However, the ESG did not escape the Bologna typical problem of implementation. As their (legal) status remains biased, the ESG-implementation strategies differ from one country to another. The national adoption of the ESG thus depends on the way 1) the ESG cope with the national quality assurance policy, 2) the ESG fit into the legal setting in place and the priorities of its main actors and 3) the enforcement-possibilities at the supranational level.

All in all, the ESG where found to be roughly in line with the national quality assurance policies and the professional self-understanding of the accreditors/evaluators. In fact, very little divergence from the ESG has been found in Sweden, the United Kingdom, Germany and Hungary. This might be due to the fact that all four countries look back on an early engagement into quality assurance projects and programmes at the European level. The actual implementation process of the ESG thus started well before 2005.

Since responsibility over quality assurance differs from country to country, the implementation strategies vary too. While the ESG are partly transferred into the legal framework in Hungary; Sweden, the United Kingdom and Germany handle the ESG as non binding recommendations:

- In Sweden the actual design of internal and external quality assurance in higher education is strongly based on autonomous regulations by the national agency, and not by legislation or national policies. Thus, the implementation of the ESG lies with the agency in the first place.

- This also applies for the British quality assurance system. Existing policies and the legal framework make the implementation a matter of the higher education institutions and the QAA. Since the QAA has implemented the ESG in its procedures, it seems to be the most important actor in the implementation process.

- The German federal system and the binary structure of quality assurance make a nationwide implementation strategy almost impossible. Due to the lack of legal regulations for internal quality assurance, part one of the ESG has to be implemented by the higher education institution. The Accreditation Council as part of its biannual review implemented ESG II and III.

- The Higher Education Act regulates Hungarian quality assurance in detail. Some of the ESG were thus transferred into legally binding standards.

Given the variety of actual implementation strategies, it seems highly unlikely that the ESG will lead to the emergence of a unified/unique European quality assurance system. The impact of national policies and regulations on the implementation process raises questions concerning the consequences of non-compliance. This, however, sends us back to the issue of the ESG's status, a much debated and unresolved problem in the four countries under investigation.

Therefore, there can be little doubt that the biannual conferences will continue to play a key role in shaping a common understanding of the vision, the working mechanisms, and the actual objectives of the ESG.

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