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Project Against Corruption in Albania (PACA)

UNDERPINNING INTEGRITY IN THE ALBANIAN EDUCATION SYSTEM: COMPILATION OF PACA OUTPUTS

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This publication has been prepared within the framework of the Project against Corruption in Albania (PACA) and with the funding provided by the European Union. The views expressed in this publication can in no way be taken to reflect the official opinion of the European Union and/or the Council of Europe.

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For more information on the subject of the publication, please contact:

Economic Crime Cooperation Unit
Action against Crime Department
Directorate General Human Rights and Rule of Law
Council of Europe
E-mail: contact.econcrime@coe.int
Website: www.coe.int/economiccrime
Graphic design Kleida Maluka
Printed in Albania by Maluka Printig House

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FOREWORD

In many countries of the world, corruption remains a running sore in public life. In some, it may be the biggest obstacle to economic and human development – whether it is small-scale bribery or grand kleptocracy. Since the 1990s fighting corruption has become a priority for many international organisations, including the Council of Europe and the European Union. The Project against Corruption in Albania (PACA), a 2.1 million Euro assistance project financed by the European Union and implemented by the Council of Europe, has provided assistance to the Government of Albania on a wide range of policies related to the fight against corruption.

A major component of the PACA project has been to assist with preventing and tackling corruption in the education sector. In all, the project provided five risk assessments on selected institutions or sectors, knowing that successful policies to fight corruption must be based on evidence and research. In the area of education, PACA delivered two major risk assessment documents - one of the public education sector and human resources policy, and another on the regulation and control of the private education sector. During the extension phase of the project - from March to December 2012 - PACA provided extensive follow-up assistance for the establishment of a system of inspections and quality assurance in the higher education institutions, with recommendations for how such a system can be constituted and on the content of inspection manuals.

These documents were informed by a conviction that corruption in education should not be tackled by a top-down approach of detecting and sanctioning violations, but through

policies and measures to underpin professionalism among education practitioners and stakeholders. A key document to this end is the Teachers' Code of Ethics assisted by PACA and approved in November 2012.

This compilation comprises all the documentary outputs: the risk assessments, the evaluation of the implementation of PACA recommendations, the technical papers providing analyses and recommendations for the higher education inspection and quality assurance system, and the Code of Ethics.

I would like to thank the experts of the General Teaching Council of Scotland for their invaluable contribution to these materials. I thank Mr Quentin Reed, PACA project Team Leader, who co-ordinated the effort, contributed with his own research and edited the texts.



IVAN KOEDJIKOV
Head of Action against Crime Department
Strasbourg, December 2012

INTRODUCTION

Brief Overview of the Albanian Historical Context and Education System

Albania's complex history has presented significant challenges to the establishment of secure political democracy and a stable, balanced modern economy. Limited democratic and economic stability in Albania has potentially provided the conditions for the persistence of corruption in Albanian public life, including its education system.

Despite the existence of or potential for corruption in the education system, there is indisputable Government recognition of and commitment to the importance of education in Albania. Universal school education is provided until the age of 16. Upper secondary school education is now very much linked to the State Matura, the relatively new national school leaving examination. School education is largely provided through the public sector, although there is growing private provision (recent figures indicate c. 5% of primary pupils and c.9% of secondary pupils attend private schools). Public universities provide the majority of university education, but there has been very significant growth in private higher education (HE) provision (recent figures indicate there are 31 private higher education institutions (HEIs) in Albania, attended by 17% of all HE students).

Two general aspects of the Albanian Government's approach to the education system create an environment in which integrity may be more difficult to establish. On the one hand a tradition of strong central state control through the Ministry of Education and Science (MoES) and regional/local education directorates persists, carrying with it accompanying risks of politicisation. On the other hand, the influence of neo-liberal 'let the market decide' attitudes to the development of private education have played a strong role, especially in higher education, which may have facilitated or exacerbate problems of poor quality private educational provision.

Reforms Undertaken in Education

The Albanian Government has engaged in extensive legal reforms of the education system, for example through a new revised Law on Pre-University Education. Such efforts have run parallel to broader attempts to conform to wider European and international developments. For example, the Bologna Process for higher education has been addressed in recent State Quality Standards for Higher Education.

More specifically, reforms have addressed particular issues or problems within the education system. For example, the introduction of the State Matura over the last six years has aimed to produce a national school-leaving examination which will provide reliable information on pupil achievement, comparable school results and a fair basis for university admissions. Particular efforts have been made to eliminate corruption in the setting, invigilation and evaluation of these examinations. Similar efforts have gone into developing the Alternative Textbook (Altertekst) system since 2006, in order to replace the monopoly of the MoES in the supply of textbooks with a system formally based on open competition among textbook providers.

However, even in such areas where there has been much commendable effort to elaborate new systems, very detailed policy development does not necessarily deliver every aspect of desired reform on the ground. For example, while the development of the State Matura has been a very major achievement, some significant issues seem to remain, e.g. with ensuring the appropriate supervising of examinations to eliminate effectively the potential for cheating.

PACA Technical Assistance

The Project Against Corruption in Albania (PACA) was launched in September 2009, and is a 40-month, Council of Europe-implemented and EU-financed project to assist the Albanian Government to implement its anti-corruption strategy more effectively. One of the

two main purposes of the project was to assist with policies to prevent corruption in the education system.

From the literature on corruption in education systems, five main potential areas of corruption can be identified:

- The policy process, including systems for accreditation/licensing and inspection/oversight of educational institutions.
- The personnel process within education (recruitment/HR management), including issues with politically motivated appointments.
- The educational process itself, including corruption involving teachers/lecturers, students/pupils, and/or parents within the teaching and learning process, such as on assessment and examination procedures and results.
- The financing of the education sector, including budget leakages and diversion of funds.
- Procurement at all levels, such as school construction, IT contracts, other educational supplies.

The PACA Project focused primarily on the first three of these areas. The current document collates the following outputs of PACA¹:

1 – Technical Papers associated with initial Risk Assessments

- (a) Risk Analysis of the Albanian Education System (incorporating Analysis of the System for the Recruitment, Appointment and Promotion of Education Teaching Staff in the Compulsory Education System), April 2011 – CMU-PACA-13/2011.**
- (b) Assessment of the Licensing, Regulation and Inspection of**

¹ A separate part of the Project not included in this Compilation developed a Curriculum Manual entitled 'Education Against Corruption' for use in schools.

Private Educational Institutions in Albania, June 2011 – CMU-PACA-16/2011.

- (c) **Response to and Recommendations concerning Ministry of Education and Science Feedback on PACA Assessments of the Albanian Education System, December 2011 – ECS-PACA-21/2011.**
- (d) **Final Assessment of the Use of PACA Recommendations for the Albanian Education System, February 2012 – ECS/PACA-01/2012 (Technical Paper (d) was produced by the PACA Team itself, not the experts directly).**

2 – Technical Papers associated with additional work on Inspections/Quality Assurance for Higher Education Institutions

- (a) **Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System, June 2012 – ECU-PACA-7/2012.**
- (b) **Assessment and Recommendations concerning Draft Amendments to the Law on Higher Education Regulating Inspections of Higher Education Institutions, and Sub-Legal Acts to Implement the Law, July 2012 – ECU-PACA-8/2012.**
- (c) **Recommendations for the Content of Manuals for the Inspection of Higher Education Institutions, September 2012 – ECU-PACA-17/2012.**

3 – Technical Papers associated with Teachers' Code of Conduct/Ethics

- (a) **Comments and Recommendations on the Draft Teachers' Code of Conduct and Regulatory Mechanism, September 2010 – ECD/33/2010.**
- (b) **The Draft Teachers' Code of Conduct: Summary of Discussions and Recommendations for Next Steps, September 2010 – ECD/34/2010.**

- (c) **Comments and Recommendations on the Draft Teachers' Code of Ethics, April 2012 – ECU-PACA-6/2012.**
- (d) **Final Draft of Code of Ethics submitted to Minister of Education and Science, July 2012 – Appears as Annex 1 to ECU-PACA-6/2012**

The full original versions of most of the above Technical Papers can be found on the PACA website (www.coe.int/paca). All of the outputs listed above were based on an explicit assumption that corruption in the education system should not be approached by relying upon the production of top-down mechanistic/prohibitory measures to address violations of law. Rather, the aim should be to achieve quality provision across the education system by establishing a system in which integrity becomes an integral part of the working environment for teaching staff and other stakeholders. This in turn reflects a wider assumption that teachers – as well as other public servants – are most likely to refrain from corruption not due to the threat of being caught and sanctioned, but rather from an internalised commitment to professionalism.

EXECUTIVE SUMMARY OF PACA OUTPUTS

This section provides a very brief summary of the content of the Technical Papers, followed by the original Technical Papers themselves, which have been subject only to minor editing to eliminate unnecessary repetition. This summary is linked to page references for the versions of the Technical Papers which then follow in the current collated document. These versions give most of the full text of the original Technical Papers, with the exceptions that some overlapping text and the repetition of Recommendations in Executive Summaries within each paper has been removed. The full Recommendations now only appear in the body of the texts of the Technical Papers.

1 (a) – Risk Analysis of the Albanian Education System (incorporating Analysis of the System for the Recruitment, Appointment and

Promotion of Education Teaching Staff in the Compulsory Education System), April 2011 – CMU-PACA-13/2011

This paper provided an overall risk analysis of the Albanian education system, including a specific focus on the system for recruitment, appointment and promotion of education teaching staff in the compulsory education system. It contained fifteen Recommendations:-

Recommendation 1 concerned the general positive, ethics-based approach taken by the Risk Analysis, and the application of this to the development of a Code of Conduct and Professional Standards for school teachers. (p.17)

Recommendations 2 and 3 concerned the need to make teaching as a career attractive to the best students, and the importance of university teacher education in this process. (pp.18,19)

Recommendations 4-6 concerned the possible need to address certain structural issues if appropriate teacher recruitment is to be secured, specifically issues on teachers' salaries, maximum class sizes and teacher workforce planning. (pp. 20,21,22)

Recommendations 7-10 concerned the need to ensure that procedures for the recruitment and career progression of teachers and school Principals are transparent, and based on open competition and merit. (pp.22,23-4,26,27)

Recommendation 11 concerned the need to ensure that the public school system is not distorted by inappropriate private tutoring of their own pupils by public high school teachers. (p.30)

Recommendation 12 concerned the need for continuous developments to ensure the fullest integrity of the State Matura as a major national educational reform. (p.34)

Recommendation 13 concerned the need to secure the highest quality in the public universities, including ensuring that there are

no problems of ‘vulgar corruption’ in the public university sector. (pp.37-8)

Recommendation 14 concerned the importance of continuous review of the Altertekst system to ensure the on-going development of this important national educational reform. (p.41)

Recommendation 15 concerned the importance of achieving full social inclusion of the Roma community within the Albanian education system. (p.42)

1 (b) Assessment of the Licensing, Regulation and Inspection of Private Educational Institutions in Albania, June 2011 – CMU-PACA-16/2011

This paper assessed the current system for the licensing, accreditation and inspection of private secondary schools and higher education institutions within Albania, and contained twelve Recommendations for the improvement of the current system.

Recommendation 1 concerned the need for the Government to clarify its underlying policy position on private education. (p.48)

Recommendation 2 concerned the need for the Government to develop further a more robust system for the licensing, regulation and inspection of private education, especially to address a range of quality weaknesses. (p.53)

Recommendations 3-8 concerned the need for further developments in relation to private pre-university schools, including the extent to which general school legislation and the teachers’ Code will apply to private schools, the initial licensing system, and the inspection system. (pp.63-5)

Recommendations 9-12 concerned the need for further developments addressing private higher education, including the initial licensing system, the on-going inspection system, and the specific issue of university status in relation to private higher education institutions (HEIs). (pp.66-7)

1 (c) Response to and Recommendations concerning Ministry of Education and Science Feedback on PACA Assessments of the Albanian Education System, December 2011 – ECS-PACA-21/2011

This paper contained feedback from the Ministry of Education and Science (MoES) on certain Recommendations of the above two Technical Papers, and the experts' response to this feedback.

For the paper 'Risk Analysis of the Albanian Education System (incorporating Analysis of the System for the Recruitment, Appointment and Promotion of Education Teaching Staff in the Compulsory Education System), April 2011 – CMU-PACA-13/2011', Ministry feedback was provided for all of Recommendations 1-15, and experts' response was given to all of this feedback.

For the paper 'Assessment of the Licensing, Regulation and Inspection of Private Educational Institutions in Albania, June 2011 – CMU-PACA-16/2011', Ministry feedback was provided for recommendations 1,2,3,10,11,12, and experts' response was given to this feedback.

1 (d) Final Assessment of the Use of PACA Recommendations for the Albanian Education System, February 2012 – ECS/PACA-01/2012

This paper contained PACA's final assessment of the MoES response to the PACA Recommendations on the Albanian educational system as at February 2012. The paper repeated each of the PACA Recommendations from the April and June 2011 Technical Papers, summarised the MoES response to each Recommendation, and gave PACA's final assessment of the response to each Recommendation. Additionally, the paper provided PACA's overall summary of the MoES response, i.e.:-

For the fifteen Recommendations in the April Technical Paper, one Recommendation had been implemented completely (4), two Recommendations had been implemented to a significant

extent (3,12), two had been implemented partially (8,10), two had been implemented to a limited extent (1,2), three had not been implemented (7,11,13), the extent of implementation of one Recommendation was unclear(9), and in the case of four Recommendations (5,6,14,15) PACA was satisfied with the MoES response or the Recommendation was not crucial.

For the twelve Recommendations in the June Technical Paper, two Recommendations had been partially implemented (1,10), eight Recommendations had not been implemented but the Ministry had expressed a general commitment to implementation (2-8, 12), and two Recommendations had not been implemented (9,11).

2 (a) Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System, June 2012 – ECU-PACA-7/2012

Building on earlier work by the experts, especially in the June 2011 Technical Paper, this paper provided further assistance on the ‘inspection’ of HEIs, including particularly private HEIs. The paper contained nine main Recommendations, although four of these were sub-divided into a number of parts:-

Recommendation 1 emphasised that the Albanian Government should develop a higher education (HE) quality assurance system based on reviews of HEIs for continuous enhancement of quality of provision. (p.105)

Recommendation 2 concerned the shortcomings of the April 2012 temporary Ministerial ‘Monitoring Platform’ as the basis for a future review system of HEIs for quality enhancement and assurance. (p.105)

Recommendation 3 concerned the differences between the quality review of HEIs and the inspection of pre-university schools. (p.108)

Recommendation 4 concerned the relationship between the proposed, strengthened national HE quality review agency, law

enforcement agencies, and the MoES, especially in relation to illegality in private HEI provision, and the suspension/withdrawal of private HEI licences. (p.109)

Recommendation 5 concerned the basing of a future HE quality agency on a reformed and strengthened Public Agency for Assurance of Higher Education (PAAHE), and not with HE review incorporated within an enlarged National Inspectorate for Pre-University Education (NIPE). (p.110)

Recommendation 6 concerned a range of detailed amendments proposed by the experts to the 2007 Law on Higher Education, required if their proposed national HE quality review system were to be implemented (this Recommendation had eleven sub-parts). (pp.111-3)

Recommendation 7 concerned the main criteria for launching and conducting quality reviews of HEIs. There were five sub-parts to this Recommendation. (p.114)

Recommendation 8 concerned the main content of HEI quality review procedures, from decisions to launch a review to the final review report. There were five sub-parts to this Recommendation. (pp.115-6)

Recommendation 9 concerned the main HE quality review standards, i.e. the criteria by which HEIs are to be evaluated. There were five sub-parts to this Recommendation. (pp.117-9)

2 (b) Assessment and Recommendations concerning Draft Amendments to the Law on Higher Education Regulating Inspections of Higher Education Institutions, and Sub-Legal Acts to Implement the Law, July 2012 – ECU-PACA-8/2012

From the perspective of the general approach to the quality review of HEIs recommended in their June 2012 Technical Paper, in this paper the experts gave more specific consideration to recent

Albanian Government proposals on the relevant Law on Higher Education and any related sub-legal acts. The paper contained ten Recommendations:-

Recommendations 1-7 provided a detailed assessment of specific draft amendments proposed in July 2012 by Albanian Ministries to the Law on Higher Education relating to the ‘inspection’ of HEIs. These amendments were assessed against the type of HE review for quality enhancement and assurance being proposed by the experts. (pp.126-132)

Recommendation 8 provided broader comments on draft amendments proposed to the Law on Higher Education relating to quality review of HEIs, especially by referring back to aspects of Recommendation 6 in the previous June 2012 Technical Paper. (p.133)

Recommendation 9 concerned the use of ‘sub-legal acts’ in the development of the HE quality review system. (p.135)

Recommendation 10 concerned a range of specific aspects of a national HE quality review system on which detail would need to be sufficiently clear and full. (p.137)

2 (c) Recommendations for the Content of Manuals for the Inspection of Higher Education Institutions, September 2012 – ECU-PACA-17/2012

This paper further developed the system for the quality review of HEIs recommended in the experts’ June 2012 Technical Paper by providing detailed guidance on the content of manuals for use within this quality review system. The paper contained five main Recommendations, although four of these were sub-divided into a number of parts:-

Recommendation 1 concerned the general approach to the content of manuals for the review of HEIs, proposing four main review manuals. (p.143)

Recommendation 2 concerned detailed content for a manual on the criteria for launching reviews. There were four sub-parts to this Recommendation. (pp.144-6)

Recommendation 3 concerned detailed content for a manual on procedures for all aspects of the review process. There were five sub-parts to this Recommendation. (pp.147-150)

Recommendation 4 concerned detailed content for a manual on the standards against which HEIs should be reviewed. There were five sub-parts to this Recommendation. (pp.150-3)

Recommendation 5 concerned detailed content for a manual on the format and structure of review reports. There were four sub-parts to this Recommendation. (pp.154-6)

Implementation of Technical Papers on overall risk assessment, private education, and the quality review of private HEIs specifically

Implementation of the April 2011 and June 2011 Technical Papers was assessed in the February 2012 PACA document, as summarised above. On implementation of the three Technical Papers concerning the ‘inspection’/quality review of HEIs, the final PACA activity was a workshop held at the MoES in December 2012, involving the PACA experts and a range of relevant Albanian stakeholders. This workshop gave the experts a further opportunity to re-emphasise their advocacy of a system of review of HEIs for quality enhancement and assurance. However, it was clear that key stakeholders within the Albanian Government remained committed to a system of inspection focused on detecting legal violations, in line with a new framework for inspections established across all state institutions, and that there would be challenges in reconciling this approach with the experts’ recommended approach to HE quality review.

3 (a) Comments and Recommendations on the Draft Teachers’ Code of Conduct and Regulatory Mechanism, September 2010 – ECD/33/2010.

This Technical Report examined a draft Albanian Teachers' Code of Conduct and its Regulatory Mechanism ("the Code") that had been prepared in July 2008 by the Open Society Foundation for Albania (OSFA). The Code was assessed in terms of good practice established by regulatory mechanisms elsewhere, and in particular the approach of the General Teaching Council for Scotland (GTCS) (www.gtcs.org.uk) and its Code of Professionalism and Conduct (CoPAC).

The report recognised the strengths of the Code in regard to content and scope. As a result the recommendations focused mostly upon presentation, structure and approach and in that light, it was recommended that consideration was given to:

- Reviewing the Code's format to make it more succinct, easier to read and to be understood by both teachers and the public;
- The inclusion of the concept of 'Fitness to practise';
- Differentiating between conduct and competence through a set of separate competence standards for teachers and leaders/managers;
- Re-focusing the Code's somewhat prescriptive approach by introducing a set of overarching, professional principles as a means of reducing some negative aspects of the language used;
- Examining the merits or otherwise of using sets of prescriptive misconduct lists and discussing the associated drawbacks and risks;
- Setting out more clearly the Code's purpose, status and scope;
- Promoting the notion of personal regulation and professional judgment to be exercised by teachers themselves;
- Recognising teachers' entitlement to a private life and setting the associated expectations;

- The logic of ‘future-proofing’ the Code;
- Including “Professional’ or ‘Professionalism’ or similar in the title.

3 (b) The Draft Teachers’ Code of Conduct: Summary of Discussions and Recommendations for Next Steps, September 2010 – ECD/34/2010

This was a ‘next steps’ Technical Report following a working visit to Albania in September 2010 and was designed to be read in conjunction with the **Comments and Recommendations on the Draft Teachers’ Code of Conduct (see above)**.

The report noted that there was agreement between stakeholders on the majority of suggestions/recommendations in the expert’s opinion on the draft Code. The fundamental point was that the Scottish model should be **adapted** as opposed to **adopted**. The need for compliance with the European Convention on Human Rights (ECHR) especially in regard to a teacher’s right to a private life was another key factor to be reflected in the re-draft from then forward.

The report identified specific areas of agreement which had been reached between the visiting expert and the counterparts (at the Institute for Development of Education). It acknowledged that there were two areas where no consensus had been reached: the formation of an ‘Order of Teachers’ (i.e. a register of those qualified and entitled to teach) and clarity on what was understood by the concept of teacher professionalism. The report offered further advice on how the 1998 code should be redrafted to address all of these issues.

3 (c) Comments and Recommendations on the Draft Teachers’ Code of Ethics, April 2012 – ECU-PACA-6/2012

This Technical Paper provided comments on a new draft of the Code of Ethics elaborated by the Institute for Development of Education in 2012. It recognised that the redraft of the Albanian Teachers’ Code of Ethics represented a major improvement and had taken into account many of the previously made recommendations. The paper suggested that further consideration be given to:

- Shortening the Code further particularly in some areas, thereby reducing overlap and repetition. (This was deemed important if it was still the intention that the Code be used as the basis for further and more detailed guidance produced at school level as suggested in Annex 1 page 7 of the draft Code.);
- Introduce greater scope for teachers to use their own professional judgment, guided by principles set out in the Code;
- Further emphasising the needs of the individual student to ensure that each reached his or her full potential;
- Provide greater emphasis on the protection of children and teacher/pupil professional boundaries;
- Linking the Code to the UN Convention on the Rights of the Child;
- Expressly including in the Code the matter of any criminal behaviour (both in and outside the professional context) which would be incompatible with being a teacher or working with children.

3 (d) Final Draft of Code of Ethics submitted to Minister of Education and Science, July 2012 – Appears as Annex 1 to ECU-PACA-6/2012

Following a further working visit to Albania in June 2012 this paper represented an ‘agreed’ version of The Teachers’ Code of Ethics which the Albanian Government intimated to the visiting expert and the PACA project it was committed to adopting. The advice given in the previous Technical Paper was taken into account and the wording of the Code was explicitly agreed between the visiting expert and the Albanian counterparts.

A final draft of the Code of Ethics was completed in July 2012, and represented an agreed position between the IDE and PACA. The Code was officially adopted by the MoES in November 2012.

The full versions of the Technical Papers are provided below.

**RISK ANALYSIS OF THE ALBANIAN EDUCATION SYSTEM
(INCORPORATING ANALYSIS OF THE SYSTEM FOR THE
RECRUITMENT, APPOINTMENT AND PROMOTION OF
EDUCATION TEACHING STAFF IN THE COMPULSORY
EDUCATION SYSTEM)**

*Prepared by Professor Ian Smith and Tom Hamilton,
Council of Europe experts, April 2011*

CMU-PACA-13/2011

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INTRODUCTION

This Risk Assessment has been prepared by experts from the General Teaching Council for Scotland for the Council of Europe/EU Project against Corruption in Albania (PACA). The paper addresses two requests by the Project. Firstly, it provides an 'Analysis of the System for Recruitment, Appointment and Promotion of Education Teaching Staff in the Albanian Compulsory Education System' (Section 4). Secondly, it provides a wider 'Risk Analysis' of main corruption risks in the Albanian education system (Sections 5-9). Recommendations to address issues are made in each case. The wider Risk Assessment focuses on five aspects of the education system: private tutoring; the State Matura; the public universities; the 'Alternative Textbook' system; the Roma community within the education system. Evidence suggested these aspects require particular consideration. In this context, it is important to emphasise that a separate paper is being prepared on 'Licensing, Regulation and Inspection of Private Educational Institutions'. The current paper concentrates upon issues within the public education system. However, this does not imply that the public education system is 'inferior' to the private system. As the separate paper will indicate, there are also issues with the private education system. It is particularly important to emphasise this for the universities. While the current Risk Analysis will discuss issues with the public universities, evidence also indicates they are generally more highly regarded than the private universities in Albania (see Section 7).

The methodology for this study involved desk research on (a) general literature and web resources on approaches to corruption in education systems and on the background to the Albanian system (b) specific reports on Albanian education, and translated versions of Albanian government documents, provided by the PACA team; in this context, the visiting experts would note there appear to be difficulties encountered by PACA team in easily obtaining such documents from government sources. The reference lists include the materials used for this desk research.

However, the main methodology was content analysis of an extensive series of semi-structured interviews, usually with groups but sometimes with individuals, set up by PACA staff and conducted by the visiting experts. The importance attached to interviews, and the general approach taken to them, is consistent with the emphasis on this methodology in the PACA Corruption Risk Assessment Methodology Guide (CMU-PACA-02/2011 pp.9-10). Over two field trips in November 2010 and February 2011, totalling 9 days of interviewing, 31 interviews were conducted with a total of 86 interviewees. A broad range of stakeholders was interviewed, including: Ministry of Education officials, including the Minister of Education, Ministerial Advisers, Heads of Department, and members of the Textbooks Approval Commission; the Director and other senior staff of the National Exams Agency; Regional Education Directorate (RED) staff, including a Director and other senior staff; public university staff, including staff involved in teacher education in and outside Tirana, and other senior staff in Tirana; senior private university staff in Tirana; senior leaders from the national teachers' unions; high school Principals of public high schools in and outside Tirana, and of a private high school in Tirana; public high school teachers in and outside Tirana, and public Grade 9 teachers in Tirana; parents of school students in Tirana, including School Board members; high school students in and outside Tirana; public and private university students in Tirana; representatives of the Roma community; Alternative Textbook publishers. Interviews were conducted in Tirana, and in one other major city (with a university involved in teacher education). A local expert commissioned by PACA (Mr Endrit Shabani) provided assistance with arranging interviews and meetings, attended the interviews and provided comments on the draft final Risk Assessment.

1 SUMMARY OF FINDINGS AND RECOMMENDATIONS

In the original version of this Technical Paper, this section included a full repeat of the Recommendations contained within the main text. In the current version, the Recommendations only appear at the appropriate places in the main text.

2 CORRUPTION WITHIN THE ALBANIAN EDUCATION SYSTEM

In analysing aspects of the Albanian education system, it is important to stress that there are significant issues of corruption to be addressed. There continues to be a background of general concern with corruption in Albania. The most recent general surveys on corruption are 'Corruption in Albania: Perception and Experience – Survey 2009', and 'Corruption in Albania: Perception and Experience – Survey 2010', both produced by The Institute for Development Research and Alternatives (IDRA), Albania, for the United States Agency for International Development (USAID) (Institute for Development Research and Alternatives [IDRA], Albania, 2009 and 2010). Broadly, these surveys present continuing concern among the general public over levels of corruption. For example, in 2010 the average corruption level across twenty institutional groups was rated at 62.4 on a scale where 0=very honest, and 100=very corrupt. Average trust across a range of fifteen institutions was rated 43.8 on a scale where 0=do not trust at all, and 100=trust a lot (IDRA 2010, Executive Summary, p.3).

Certainly, the education sector is not rated the most corrupt in these surveys. In 2010, on the scale where 0=very honest and 100=very corrupt, the general public rated public school teachers 46, against the average across the twenty institutional groups of 62.4 (with doctors, for example, at 79) (IDRA 2010, p.9). In 2009, only 9.6% of the general public indicated they had paid a bribe in relation to children at school, down from 29% in 2005, and compared, for example, to 37.1% who had paid a bribe to a doctor or a nurse (IDRA 2009, p.18). However, it must be emphasised that this should not imply complacency about an absence of corruption issues in the education sector. The 2010 'corruption' rating of 46 for public school teachers was a deterioration from the more positive rating of 43.1 in 2009 (IDRA 2009, p.9). As will be developed in subsequent sections, the issues with public school teachers do not centre around the direct payment of bribes, but rather around more indirect issues which the general public in Albania may not fully reflect in their corruption ratings. For

example, significant inappropriate payments may be made by parents to public school teachers for the private tutoring of the teacher's own pupils. In answering a question which relates a 'corruption rating' to 'bribes', parents may not be taking account of such payments because they are not 'bribes' as such. Moving beyond payments, if primary school teachers acting as Matura examination supervisors allow cheating out of a 'desire to help students', but for no personal return, this may not be reflected in negative public rating of school teachers for corruption. However, if there is evidence of such practices, this paper will argue that these indicate issues of corruption which need to be addressed. In considering the education sector, it should also be noted that the national Corruption Surveys rate university professors much more negatively for corruption than public school teachers. For example, the 2010 Survey rated university professors 71 on the scale where 0=very honest and 100=very corrupt. This was the most 'corrupt' rating of university professors by the general public for five years (IDRA 2010, pp.9,10).

3 GENERAL APPROACH TO TACKLING CORRUPTION

The Council of Europe/EU Project refers to 'corruption' and the need to combat it. There is a considerable literature which addresses issues of corruption by taking a mechanistic approach, in which the emphasis is largely on top-down accountability systems and the use of prohibitive, disciplinary and punitive measures. This approach tends to focus on the elimination of negative behaviour, such as bribery. Even a wider and most fully developed analysis, such as Hallak and Poisson's *'Corrupt schools, corrupt universities: What can be done?'*, contains much of this approach (Hallack and Poisson 2007). Such an approach is rigorous and systematic in categorising types of corrupt activity, and comprehensive in much of its analysis on mechanistic measures for dealing with it. However, its first emphasis tends to be on establishing norms and regulations, with the principles of ethical and professional behaviour merely reduced to one set of norms within a wider list of norms, and with more emphasis on the enforcement mechanisms for 'professional norms' than on the underlying positive

principles of ethical and professional behaviour. This approach risks tackling the symptoms rather than the causes of corruption.

As this paper will develop subsequently, there appears to be a particular application of the mechanistic approach in Albania, impeding the more underlying attitudinal reform which will be called for. So much discussion with power holders involves recurring references to forthcoming 'Law', particularly the 'Reviewed Law on Pre-University Education', or the 'Draft Law', as it was usually described. This seemed to illustrate two problems. Firstly, something of a 'dependency culture' is being displayed, with individuals, groups and institutions evading positive initiative at their own level because the 'Law' will generate a top-down solution and way forward. Secondly, existing power holders appear able to manipulate this situation to their advantage. The proposed Reviewed Law seems to have been 'Draft' for an unusually long time. This allows power holders to evade pressing criticism of current practice by indicating that the issue under discussion will be addressed in the new Law. It also enables power holders to avoid clarity around future policy because there does not appear to be a transparent basis for general public understanding of the precise intended content of new Laws (as will be mentioned subsequently, this technique of evading transparency seems to be used with public policy documents more generally). (These particular issues with the Draft Law will be returned to, especially in Sections 4.6-4.9 below.)

The current paper is based on a broader and more positive approach to 'corruption'. The underlying argument is that Albania's education system will only move forward from certain 'corrupt' features if all relevant sectors of Albanian society commit fully to key ethical principles in public and professional life. This will require the Albanian Government to adopt transparent public positions on key principles, and engage in fully open public discussion about associated issues. Again, in the national Corruption Surveys, the education sector is not criticised as much as some others for a lack of transparency. For example, in 2010, the general public rated public institutions for transparency on a scale where 0=not

transparent at all and 100=fully transparent. The Ministry of Education was rated 44, against an average of 38.7, and no other central government department received as high a rating (IDRA 2010 p.15). However, this rating still indicates a general view that the Ministry is less than satisfactory on 'transparency'. As will be detailed subsequently in this paper, this judgement corresponded with the experience of the external experts in progressing their analysis. Ministry positions on certain fundamental principles are not always easy to identify from official documents, which leads to an evasion of hard-edged public discussion of related issues. For example, it has not been easy to identify the precise documentary basis for the 'illegality' of private tutoring of their own pupils by public school teachers. In turn, this creates a sense that the central government has not turned the full focus of public debate on the inappropriateness of this practice. Rather than concentrate on producing very detailed mechanistic documents which appear to deal with issues, but are then apparently ignored in practice, the Albanian Government must concentrate on the most transparent identification of key underlying principles, and the fullest public discussion on the collective necessity of all relevant individuals adhering to these principles. Where key principles of ethics in public life are being widely breached, this must be explicitly recognised. For example, if there is an issue with Matura examination supervisors allowing cheating in examinations, the public and the key professional groups should be asked to confront this in national discussion, rather than such a debate being evaded by reference to detailed bureaucratic regulations which evidence suggests are being ignored on the ground.

In this context, the Albanian Government must publicly confirm that school teachers are committed to specific principles of professionalism embodied in binding national codes and standards. As recent expert work for PACA has suggested, these principles should be presented as overarching principles identifying positive behaviours intrinsic to professional conduct (the language of 'you must'), rather than negative rules of conduct (the language of 'you are not allowed to'). This recent work contrasted the positive behaviours

stated in an exemplar Western European Code of Professionalism and Conduct for school teachers from Scotland with the negative rules of conduct prepared in the recent (2008) draft Teachers' Code of Conduct and Its Regulatory Mechanism for Albania (see PACA 2010b, contrasting General Teaching for Scotland 2008 with Open Society for Albania 2008). More is needed than the rather narrow language of one Article (Article 14) of the May 2010 Collective Employment Contract, 2010-2014, between the Ministry of Education and the national trade unions (Independent Trade Union of Education in Albania [ITUE] and Federation of Trade Unions of Education in Albania [FTUEA]), which indicates agreement 'to initiate the legal procedures for approval of the Code of Ethics of the Teacher and its regulatory mechanism' (see Ministry of Education and Science 2010d). Rather than simply 'burying' any initiative on a teachers' Code as one item within a much more general document, the Albanian Government should have a high-profile launch of a teachers' Code of Ethics/Code of Conduct. This should be based on the principles of positive behaviour intrinsic to professional conduct, as proposed in the recent PACA expert paper. Indeed, such a Code should also be linked to broader positive standards for the school teaching profession, such as can be found in the existing Ministry of Education document 'Basic General Standards For Teachers' (Ministry of Education and Science 2010g). It is essential that both the Code and Standards move beyond their current draft status.

However, this broader ethical commitment must be society-wide. In particular, the Albanian Government must address through public debate certain ambiguities in public attitudes to corruption. The 2010 national Survey on Corruption contains particularly interesting questions which illustrate a key point here. Members of the general public are presented with various scenarios and asked whether the 'givers' of a 'bribe' are 'corrupt and must be punished', 'corrupt but justified' or 'not corrupt', as well as the same questions being asked about the 'receivers' of the bribe. One example given is of 'a student who gives a shirt to a teacher with the hope of receiving a better grade'. Certainly, 72.9% responded that the teacher accepting the shirt was 'corrupt and must be punished' (although,

rather worryingly, as many as 19.8% said the teacher was ‘corrupt but justified’ and 7.2% ‘not corrupt’). However, it is particularly interesting that only 32.2% responded that the student giving the shirt was ‘corrupt and must be punished’, with as many as 48% saying the student was ‘corrupt but justified’, and 19.8% that the student was ‘not corrupt’ (see IDRA 2010, p.21). While the number identifying the student as ‘not corrupt’ has declined over the last five years (from 27.6% to 19.8%), with a corresponding increase in the ‘corrupt but justified’ response, the number saying the student was ‘corrupt and must be punished’ has not increased (the 2005 figure of 32.2% being identical to the 2010 figure). The Albanian Government must push for public recognition of the principle that giving, as well as receiving, bribes is corrupt and unjustified, and that there must be a universal commitment to the ethical principle of eliminating such corruption from public life.

In the education sector, such a commitment is essential if Albania’s education system is to become a truly contemporary European one. While recognising the hugely challenging constraints which Albanian history has placed on achieving such approaches to date, further alignment with Europe requires fundamental developments. Only these developments will translate the undoubted commitment which Albanian society shows to the importance of education into educational achievements which will have full credibility in contemporary Europe.

Currently, therefore, the Albanian approach to ‘corruption’ relies on mechanistic bureaucratic procedures, embodied in regulatory and legal documents which lack transparency for the general public. The prohibition on certain corrupt practices contained within these documents is widely ignored by the general public and key professional groups such as school teachers, who continue to view such practices as acceptable.

Recommendation 1: ‘Corruption’ within the Albanian education system should not be approached by relying upon the production of top-down mechanistic regulatory measures. The Albanian Government must establish a transparent basis of fundamental ethical principles for public and professional life, and

ensure general public commitment to such principles through national awareness campaigns and public discussion. For the public education sector, this must include the confirmation and dissemination of a Code of Conduct, and Professional Standards, for school teachers.

Timescale: Major national campaign and public discussion launched during 2011 and 2012, and school teachers' Code and Standards legally confirmed, with associated dissemination and publicity campaign, by spring 2012.

4 RECRUITMENT, APPOINTMENT AND PROMOTION IN THE COMPULSORY EDUCATION SYSTEM

4.1 The Quality of Entrants to Initial Teacher Education and the Teaching Profession

A range of evidence suggests Albania faces problems in recruiting the highest quality entrants to initial teacher education and the school teaching profession. In a number of meetings with a range of able Albanian young people, both high school students and university students, it was concerning that there was a complete lack of interest in school teaching as a career. This applied equally among high school and university students, and among young people in Tirana and outside Tirana. In meetings with Tirana parents, it was commented that weaker students enter school teaching. Public university staff in Tirana involved in teacher education expressed strong views that the best students do not enter school teaching (their particular focus was on high school teaching). The university staff linked this to low school teacher salaries (see Section 4.3 below) and large class sizes in high schools (see Section 4.4 below). These staff also commented that they had recently been asked to increase student intakes to initial teacher education programmes. Their view was they had been required to take too many students, and this had compounded problems with the quality of intakes. High school teachers outside Tirana, including a Principal, were also critical of the poor quality of students entering initial teacher education, and this criticism was applied to students training to work up to Grade 9, as well as in high schools. These high school teachers felt too

many teachers are being produced, and the consequent unemployment among initial teacher education graduates is the main reason teaching is not attractive to the most able young people.

On the other hand, high school staff in Tirana seemed generally happy with the quality of new teachers recruited recently to their school, and university staff involved in teacher education outside Tirana seemed much less concerned than those in Tirana about the quality of students attracted to initial teacher education. National teacher trade union officials also presented a more positive picture on current teacher recruitment. They identified 1990-2000 as a difficult period of low salaries and poor working conditions, when teaching was unattractive. However, they said there had been improvements since 2000, particularly with salary increases in the last four years.

Despite some contrasting positive claims such as these, the balance of evidence suggests there is a problem currently in attracting the most able young people into teaching (in a sense, the strongest evidence for this is the testimony of the impressive young Albanians who attended various meetings). It was also noticeable that a significant number of older Albanians (including university teachers, school teachers and parents) commented strongly that in the past (perhaps they were alluding to the period before 1990 here) school teaching had been attractive to the highest quality students. Given the international research stressing the crucial importance of high quality teachers for the strength of a nation's educational, economic and social systems (see, e.g., OECD 2005; McKinsey and Co. 2007), action to secure the highest quality entrants to initial teacher education and the teaching profession is essential.

This may include exploring the use of an equivalent to the postgraduate route into school teaching used in a number of Western European countries. Such a route in Albania could give high quality students the option of delaying a choice of school teaching as a career option entirely until Master's level study, when all study of education, pedagogy, practicum experience etc. would be overtaken (when this route was explained to them, Tirana high

school students agreed they could see attractions in such a route).

Therefore, the continuing development of Albania's compulsory education system will depend on recruiting the highest quality entrants to initial teacher education and the school teaching profession.

Recommendation 2: The Albanian Government should launch a high profile publicity and marketing campaign to stress the importance of school teaching as a career, and to attract the best students into initial teacher education. The Government should engage fully with university teacher education staff to consider how programmes and programme pathways can be developed to ensure the highest quality entrants to school teaching, and with the high school sector to provide positive careers guidance on school teaching as a career for the most able students.

Timescale: Government publicity and marketing campaign launched during school/academic session 2011-2012; inclusive Government discussions with the university sector on initial teacher education programme issues during academic session 2011-2012, with any new developments beginning from academic session 2012-2013 onwards; Government discussions with the high school sector on approaches to careers guidance during school session 2011-2012, with consequent careers guidance programmes fully launched from session 2012-2013.

4.2 Other Aspects of Initial Teacher Education

In meetings with teacher education staff in public universities, both in and outside Tirana, staff showed a strong commitment to developing initial teacher education to meet the standards and approaches of the Bologna process and EU benchmarks more generally. Reference was made to recent interesting examples of innovation, including collaboration with universities within the EU.

On the other hand, there is also evidence of some issues and tensions around initial teacher education, apart from the problems with quality of entrants already discussed. There is some evidence within the initial teacher education sector of tensions over the respective preparation of high school teachers and teachers who work up to Grade 9. Public university staff in Tirana, responsible for the initial

teacher education of high school teachers, seem to have issues with the subject expertise of Grade 9 teachers. Public university staff outside Tirana, currently providing initial teacher education up to Grade 9, want to provide initial teacher education for high school teachers. In practice, it seems that initial teacher education graduates in areas outside Tirana, trained for working up to Grade 9, are being employed as teachers in high school anyway. This evidence emerged from university staff and at high school Principal level. Tension over national policy on the location of initial teacher education for high school teachers reflects more general tensions in the relationship between Tirana and the rest of Albania, over education and other matters. For example, high school teachers in the major city visited outside Tirana in turn referred to additional significant problems with poorly qualified teachers in remote areas beyond any of the cities and towns.

Tirana public university staff involved in teacher education highlighted that there had been no consultation with university staff on the forthcoming professional examination for entry to school teaching. In meeting with senior staff from the National Exams Agency, very little detail was forthcoming on these new examinations for the 'regulated professions', apart from the clear statement that the Agency would be responsible for them.

The Albanian initial teacher education system clearly exhibits a number of important strengths, particularly the commitment of public university staff to developments consistent with the Bologna process and EU best practices. However, there is a need for national policy to address issues around the relationship between initial teacher education for high school teachers and Grade 9 teachers, and the relationship between initial teacher education for Tirana and for the rest of the country. The connection between university initial teacher education and any professional examinations must also be thoroughly explored.

There is clear evidence that the Albanian initial teacher education system within the public universities is developing towards general

European approaches to aspects such as course structures, and it is important to continue building on this development.

Recommendation 3: The Albanian Government should adopt an inclusive approach in collaborating with the universities over the further development of initial teacher education, ensuring parity of consideration to the needs of Grade 9 and high school teaching, and to the needs of areas outside Tirana, as well as Tirana itself. In particular, no professional examination for entry to school teaching should be developed unless it is coherently linked with university initial teacher education courses, and involves public university leadership and staff in its planning. Indeed, the Government should justify fully and publicly the case for having such a separate examination at all.

Timescale: Discussions with the universities during academic session 2011-2012; any professional examination should be delayed until these discussions are completed, and only implemented, if required, from session 2012-2013.

4.3 Salary Levels for School Teachers

There was some ambiguity in the evidence presented on the salary levels of school teachers. Parents in Tirana seemed clear that salary levels are low, and they associated the high prevalence of private tutoring by public school teachers with low salaries (see section 5 below). Tirana public university staff involved in teacher education also linked low salaries with the inability to recruit the best students into teaching.

However, more positive views were expressed on teachers' salaries. High school staff in Tirana were generally happy with salary levels (however, this was in the context of a 90% female staff who linked their satisfaction with salaries to their description that they were 'supported by their husbands'). High school staff outside Tirana also stated that teachers' remuneration and working conditions are generally comparable with other professions. A Ministry of Education adviser argued that teacher salaries had doubled in the last four years, and consequently government relations with the trade unions are good. High school teachers outside Tirana also

mentioned salaries doubling in the last four years. Information provided by a local adviser to the PACA team indicated the range of teacher salaries in public schools is 37,000-42,000 ALL per month net, i.e. c.260-300 Euros. This adviser judged that these are not low salaries by general Albanian standards.

On the other hand, these teachers also referred to the parallel move from 13 salary payments to 12 salary payments within the year, which had the effect of falsely inflating apparent salary increases if these are presented in terms of monthly salary. National trade union officials conceded salaries may not have doubled in real terms in the last four years, but they did argue there had been significant salary increases in this period, and these had been better than in other parts of the public sector.

This ambiguous interview evidence on school teachers' salaries is consistent with evidence from a recent World Bank 'Albania School Stakeholder Survey' conducted in 2009 with a sample of Albanian primary schools. This survey found c.50% of teachers satisfied with their salary and c.50% unsatisfied, but with higher satisfaction in rural areas (65%) than urban areas (35%) (World Bank 2010 Appendix: pp.13-15).

There is a need to establish clearly the relative position of schoolteacher salaries within Albanian society, both in comparison to the rest of the public sector and to the workforce more generally. As will be discussed subsequently, such analysis must lead to outcomes which ensure that public school teachers are remunerated appropriately, to reduce the incentive to engage in the type of private tutoring which is currently prevalent (see Section 5 below). Outcomes must also ensure the general public perceives teacher salaries as appropriate. The May 2010 Collective Employment Contract, 2010-2014, calls at Article 8.1 for a salary system which 'enables a better evaluation of the image and work of the teacher' (Ministry of Education and Science 2010d). However, there needs to be a much stronger emphasis on this policy aim.

Therefore, any campaign to recruit and retain the highest quality individuals to school teaching must address school teacher salaries.

Recommendation 4: The Albanian Government must ensure public school teachers' salaries are sufficiently high to attract the best entrants to the profession, and there is clear public understanding that teachers' core salaries are at such a level, with no need for school teachers to resort to private tutoring to achieve an appropriate overall professional standard of income.

Timescale: Full review of school teachers' salaries during school session 2011-2012; positive publicity campaign on school teachers' salaries, with any implementation of salary increases (if necessary), during session 2012-2013.

4.4 Large Classes in Public High Schools

There seem to be particular issues with very large class sizes in Tirana public high schools. Tirana public university staff involved in teacher education identified this as a major factor discouraging the best students from entering teaching. High school students in Tirana referred to Matura classes as large as 46. The high school teachers in Tirana described Matura classes in the high 30s/low 40s, and said these class sizes had risen from c.30 within five years. They described a Tirana high school situation in which schools face increasing pressure from rising student numbers, with shift systems being operated to accommodate these student numbers. National trade union officials also recognised the problem of large class sizes in Tirana high schools.

There is clearly a problem with excessively large classes in Tirana high schools, and, of course, this relates to classes studying for the State Matura. While there were suggestions that the problems outside Tirana are much less severe, high school students outside Tirana still described Matura classes in the mid-30s. The national trade union officials indicated that the trade unions had reached an agreement with the government to reduce class sizes to a maximum of 32 within two years (Article 6.13 of the Collective Employment Contract 2010-2014 states the Ministry of Education is aiming that 'within 2-3...years the classes have no more than 32 pupils' –

see Ministry of Education and Science 2010d). It will be crucial to ensure the implementation of this maximum and move to further reductions, if class sizes in Tirana high schools are to reach levels which are more consistent with contemporary teaching and learning approaches for upper secondary certificate classes.

Therefore, the Government must recognise that high school classes beyond 30 students are larger than the class size appropriate for contemporary teaching and learning approaches with upper secondary certificate classes.

Recommendation 5: The Albanian Government should commit to all necessary teacher recruitment and school building programmes, especially in main cities like Tirana, to reduce class sizes in high schools to a maximum of 30 (see also Recommendation 6 below).

Timescale: Comprehensive planning for all necessary action during school session 2011-2012, with implementation of actions and new class maxima from session 2012-2013.

4.5 Broader Issues of Teacher Workforce Planning

There are broader issues of teacher workforce planning which need to be addressed if the Albanian school system is to achieve an appropriately even distribution of teaching staff to ensure parity of experience for its young learners.

Evidence suggests the very large class sizes in Tirana are certainly not caused by teacher shortages. Tirana parents referred to significant numbers of unemployed teachers in Tirana. The national trade union officials agreed there are unemployed teachers in Tirana, including both new graduates unable to find jobs and other teachers who had lost their jobs. They also indicated that the real challenge in building new high schools in Tirana (and therefore reducing class sizes across the Tirana high school system) is not in constructing schools so much as developing the related transport structure in Tirana.

The national trade union officials described complex challenges in national teacher workforce planning. They contrasted Tirana,

with its growing population due to inward migration, and other areas, where there are much smaller class sizes, and ‘teachers who cannot be declared redundant’. On the other hand, there seem to be some mixed messages on this. These trade union officials also referred to salary enhancements for teaching in rural areas, and free transportation from Tirana to such areas. Certainly, the Collective Employment Contract 2010-2014 includes Article 8.8, which refers to ‘teachers who work far from their residence’ receiving a bonus, and Article 11.1, which refers to the state subsidising the ‘expenses for transportation’ of teachers ‘who work and teach far from their place of residence’ (Ministry of Education and Science 2010d). This would seem to indicate that the challenge is partly in staffing very remote rural areas appropriately. This would be consistent with comments made by high school teachers outside Tirana that there is a problem with poorly qualified and poor quality teachers in remote areas. On the other hand, these high school teachers also reported on significant unemployment of teacher education graduates in their city. The high school Principal outside Tirana also argued that too many teachers are being produced. In overall national terms, the trade union officials suggested Albania has an employed teaching workforce of 39,000, with a teacher/student ratio of 1:17 in pre-school, 1:16 in Grades 1-9, and 1:15 in high school. However, they did talk of ratios of 1:8 in some areas (but it was not clear which stage of schooling this referred to).

The problem may be that there is understaffing in cities, both Tirana and the other more major cities outside Tirana, and qualitative and quantitative issues with teacher supply in the most remote rural areas, but some overstaffing in certain ‘middle’ areas such as medium size and smaller towns. These complexities must be worked through to ensure national parity in school staffing.

Therefore, there appear to be major disparities in staffing levels across the Albanian public school system, with under-staffing in Tirana (particularly in high schools) and perhaps in other major cities, with over-staffing in some other areas, and with quantitative and qualitative challenges in securing appropriate staff in remote rural areas.

Recommendation 6: The Albanian Government should undertake a comprehensive national teacher workforce planning exercise to ensure that much closer parity in teacher/student ratios is achieved across the public school system.

Timescale: Workforce planning exercise undertaken during school session 2011-2012, with policy implementation beginning from session 2012-2013.

4.6 The Open Advertising of Teaching Posts in the Public School Sector

Parents in Tirana gave particular emphasis to the fact that there is no open advertising of teaching posts in public schools. Others, such as national trade union leaders, also implied that the absence of such open advertising is a particular problem, although they suggested this issue is addressed in the trade unions most recent Contract with the Ministry of Education, and will be addressed in the new Draft Law. However, neither the version of the Draft Law made available, the Collective Employment Contract 2010-2014, the Ministerial Instruction No. 22 of July 2010 on the appointment of academic and management staff for pre-school and school education, nor the Ministry of Education document on 'Existing criteria and procedures relating to the recruitment and promotion of education sector employees', contain explicit statements on the advertising of posts (Ministry of Education and Science 2010c; 2010d; 2010e; 2010f). Therefore, no transparent evidence was available to re-assure that recruitment and appointment to public school teaching posts is based upon the open advertising of posts.

Recommendation 7: The Albanian Government must ensure as soon as possible that recruitment and appointment to teaching posts in public schools requires the open advertising of all posts.

Timescale: Implementation from start of school session 2011-2012.

4.7 Other Aspects of Recruitment and Appointment to Teaching Posts in Public Schools

All relevant groups presented a consistent set of concerns about how school teachers are recruited and appointed in public schools. Teachers are appointed by the Head of the Regional Education Directorate (RED), and there was a consensus among respondents that appointments are based on political influence/bias and personal contacts with the RED heads – or at least that the system is vulnerable to such practices. A number of respondents spoke of the phenomena of teachers losing jobs as political administrations change, and bribes were also mentioned as a way of securing posts. This description was provided by Tirana parents, public university staff outside Tirana, high school teachers (including at Principal level) outside Tirana, and national trade union officials. Public university teacher education staff in Tirana also stressed that they have no involvement in the subsequent appointments of their graduates to teaching posts, e.g. no profiles or references on graduates are requested from them by REDs when making appointments. One high school teacher outside Tirana, who was a former RED Director, specifically mentioned that she had received and used university grade reports on initial teacher education graduates when appointing new teachers, but that current RED processes do not involve this. Public university teacher education staff outside Tirana specifically highlighted that the current appointments system is demoralising for initial teacher education graduates.

In general terms, all relevant groups called for recruitment and appointment through selection procedures based on open competition, clear criteria and unbiased selection. For example, national trade union officials stressed this and again claimed such approaches are included in their most recent Contract with the Ministry (see below), and will be included in the new Draft Law. Parents in Tirana called for the involvement of school boards in the appointment of teachers, and argued parents will not be party political in undertaking this role. They also suggested this approach will be in the new Draft Law. Public university teacher education

staff in Tirana welcomed the suggestion that they should be asked to produce professional profiles on their graduates for subsequent use in selection for teaching posts. Public university teacher education staff outside Tirana (a group including a number of former RED Directors) argued that recruitment and appointment of teachers should move from RED Directorates to ‘appropriately professional’ school Principals (as discussed below, they suggested that Principals should be licensed by the universities, and should not be party appointments, as they are currently). A high school Principal outside Tirana suggested that teachers should be recruited by the Principal and the School Board, perhaps with criteria being defined by another institution such as the RED.

Certainly, the Collective Employment Contract 2010-2014 stresses in Article 4.3a that vacancies at all levels of pre-school and school education are to be filled ‘through competition based on the criteria defined by the Ministry’, and also interestingly mentions that trade union representatives will be present ‘in the procedure of competition and evaluation of candidates’ (Ministry of Education and Science 2010d). The Ministerial Instruction of July 2010 on the appointment of academic and management staff for pre-school and school education states at par. 12 that ‘Concerning vacancies, in case two or more candidates are running, competition will be applied’ (Ministry of Education and Science 2010e). The Ministry document on ‘Existing criteria and procedures relating to the recruitment and promotion of education sector employees’ also claims there is a competitive process for appointments, based on criteria such as educational attainment, ‘where two or more candidates compete for the same vacancy’ (Ministry of Education and Science 2010f) .

However, the concerns of other stakeholders about current processes, as described above, seem so strong as to suggest the absence of advertising of posts may allow the manipulation of the recruitment situation by RED staff, so that only one candidate, pre-identified by criteria other than merit-based, is effectively being considered, i.e. the ‘two or more candidates’ phrase in the other Ministry documents is being used as a point of reference for evading the more general

commitment to competition apparently made in the Collective Employment Contract.

It should also be noted that the version of the Draft Law made available refers to appointment of public school teachers by the school Principal, with selection based on qualifications and professional suitability. However, while indicating there will be an input from the school's teaching staff, it does not mention a role for parents from the School Board, and the Principal's appointments are to follow recommendations from the RED (Ministry of Education and Science 2010c: Article 91b).

Therefore, it seems clear that the recruitment and appointment of school teachers must move to a new fully transparent system based on open competition and merit, and free from biased and corrupt practices. Of course, there is an argument that a decentralised system increases the potential for such bias and corruption (see Hallack and Poisson 2007: 165-166; PACA 2010a: 17), and one high school teacher outside Tirana (a former RED Director) specifically argued that moving recruitment to school Principals will increase the risks of inappropriate influence. However, this Risk Analysis would argue that the way forward is decentralised empowerment of Principals and School Boards to recruit and appoint, provided all individuals at this level embrace an approach based on ethical principles in public and professional life, as outlined in Section 3.

Recommendation 8: The Albanian Government should develop a new system for recruitment and appointment to teaching posts in public schools, devolving this to Principals and School Boards. Procedures at local level should be based on applicants being judged solely on merit in open competition, using clearly established professional criteria. Procedures for first teaching appointment should make systematic use of evidence on initial teacher education performance provided by the public universities.

Timescale: Details of new system fully developed during school session 2011-2012, with implementation from session 2012-2013.

4.8 Staffing in Public Schools: Contracts, Supply Lists, Probation and Teacher Appraisal, and Associated Staffing Instability

It has not been possible to obtain clear evidence on a range of issues associated with the ongoing staffing of public schools. The nature of teachers' contracts remains unclear. As mentioned above, Tirana parents described teachers as losing their jobs when political administrations change, and they appeared to be referring to classroom teachers here, not just school Principals. High school students in Tirana also suggested recent staffing instability in their schools, with problems being encountered with inexperienced teachers. High school teachers outside Tirana described teachers' contracts as collective, and stated that teachers do not have individual contracts. On the other hand, this evidence suggesting non-permanent and unstable staffing appeared to be contradicted by some other evidence gathered. High school teachers in Tirana stated that staff turnover is not excessive in their school, and high school teachers outside Tirana described the teachers' collective contract as without time limit. The Head of the Tirana RED claimed that it is very difficult to dismiss teachers once they have a 'permanent contract', and a school Principal outside Tirana also argued that even the REDs find it difficult to dismiss teachers. This led this Principal to propose that teachers should be appointed on initial fixed-term contracts, e.g. for six months, so that they can 'prove themselves' suitable for permanent appointment. In the context of teacher unemployment (see Section 4.5 above), supply lists operate, but how these are used is not clear. The national trade union officials emphasised the need for the best teachers to be selected from the currently available pool of unemployed teachers. Particularly given the comments already highlighted about the lack of clarity on whether teachers are required to 'prove themselves' and how difficult it can be to dismiss teachers, there is an associated lack of clarity on how teachers are appraised (if at all), and what requirements/entitlements there may be on teacher Continuing Professional Development (CPD) (if any).

Other evidence appears to confirm these issues which emerged from the interview evidence. The World Bank 'Albania School Stakeholder Survey' indicates that 13% of teachers experience no appraisal at all, 49% say there is no 'penalty' for 'poor' teacher performance, and 66% say there is no 'reward' for 'good' teacher performance (World Bank 2010: Appendix, p. 9). A 'Basic General Standards for Teachers' document was made available to the visiting experts (Ministry of Education and Science 2010g through PACA). This seems to provide much of the basis for appropriate standards against which teachers' professional competence and development can be judged. However, almost universally, interviewees seemed unaware of the existence of this document.

These issues where clarity is lacking are not fully resolved by the Collective Employment Contract 2010-2014, the Ministerial Instruction No. 22 of July 2010 on the appointment of academic and management staff for pre-school and school education, the Ministry document on 'Existing criteria and procedures relating to the recruitment and promotion of education sector employees', or the Draft Law as made available.

The Collective Employment Contract 2010-2014 in Article 4.3b states that, on completion of the first one-year contract, 'if the employee has fulfilled all the tasks assigned by the employer in the one-year employment, the employee is entitled to employment for an indefinite time period'. In discussing the link between qualification levels and contractual entitlements, Article 4.4a appears to open up the possibility of 'indefinite' contracts to all pre-school and class 1-5 teachers who have a 'higher school diploma with specialisation in teaching'. However, no further detail is provided on how employers will assess that a teacher has 'fulfilled all the tasks' in the one-year employment contract. It is also not clear if 'indefinite time period' can be unambiguously equated with 'permanent'. Although Article 4.7 states the employer 'may not terminate the employment contract without reasonable grounds', there is then a complex cross-reference to points within article 146 of the Labour Code. (see Ministry of Education and Science 2010d).

The Ministerial Instruction No.22 of July 2010 appears to distinguish between pre-school/elementary teachers and secondary teachers. Par. 4 seems to suggest that some pre-school/elementary teachers can never obtain permanent contracts unless their qualifications are at a certain level, and does not appear to be consistent with the Collective Employment Contract on this point. Par. 6 seems to indicate secondary teachers are all appointed initially on a one-year contract. However, the Ministerial Instruction does not appear to make any clear reference to how staff move from one-year to permanent contracts, e.g. it is not clear if the competitive process referred to in Par. 12 concerns this move, or initial appointment to one-year contracts (Ministry of Education and Science 2010e).

The Ministry document on 'Existing criteria and procedures relating to the recruitment and promotion of education sector employees' talks of all initial contracts being one-year, and then rather vaguely of teachers 'who have met all the obligations set out by the employer' securing an 'open-ended' contract. Again, the criteria associated with this move are not detailed, and there is no reference to further approaches to staff development etc. after the initial gaining of an 'open-ended contract', nor indeed an explicit indication that 'open-ended' means permanent (Ministry of Education and Science 2010f).

Similarly, the Draft Law calls for 'clear criteria' to evaluate teacher performance, and the use of a 'commission' headed by the RED, and comprising the school Principal and teacher representatives, to terminate employment of teachers whose Principal has assessed their performance as not meeting such criteria (Ministry of Education and Science 2010c: Articles 92, 94). However, these criteria are not explained, and on-going assessment of teachers performing positively is not detailed, with only a brief reference to 'in-service' credits being part of a 'merit based' salary structure (ibid: Article 89).

The external experts were provided by PACA with documents from the Albanian Government on the Annual Appraisal of Civil Servants. These comprised a Ministerial Instruction of 2007 (updating a previous Instruction of 2000) and an actual Annual Appraisal Form,

which appeared to be an Appendix of the Ministerial Instruction (Albanian Government 2007; Albanian Government 2011). If these documents apply to the annual appraisal of school teachers, as presented they are not tailored in any way for teachers. For example, the 'Basic Skills' listed in Section C of the Annual Appraisal Form use very general terms such as 'Exploitation of resources' and 'Technical skills', rather than the much more appropriate teaching-specific competences within the 'Basic General Standards for Teachers' document (Ministry of Education and Science 2010g). There are many details within the Ministerial Instruction which do not sit easily with school teaching, e.g. Section 2 indicates the appraisal year runs from 1 November to 31 October, which are clearly not the dates of the school session. If the annual bonus system described in Section 10 applies to teaching, this was not mentioned in any of the stakeholder interviews. If the approach to probation outlined in Section 9 is the relevant procedure used to move teachers forward from one-year to permanent posts, this needs to be made explicit in other related documents, and the suitability of these procedures for teaching needs to be specifically demonstrated.

The local adviser to the PACA team also referred to 'qualification exams' (after 5, 10 and 15 years' teaching) as a way of appraising teachers, but linked only to salary progression, rather than wider professional development. Tirana school teachers also mentioned these exams. However, the external experts could find no reference to these in Ministry documents they were provided with.

Therefore, the system for the ongoing staffing of Albanian public schools exhibits a lack of clarity, and a potential for instability. New and clear systems need to be identified and developed which establish a consistent and transparent relationship between a teacher's demonstration of early professional competence and obtaining a permanent post. For example, the national system needs to clarify if the full competitive process to obtain a permanent post comes at first appointment, with the outcome simply 'endorsed' by the completion of a probationary period, or whether the full competitive process is only used with teachers who have first completed a

probationary period, with performance during that probation a key part of the evidence used in the competitive process for permanent appointment. Thereafter, the national system also needs to develop a consistent and transparent position on how teachers demonstrate on-going entitlement to retaining their permanent post (e.g., through some system of staff personal and professional development which both requires teachers to undertake appropriate CPD and gives them an entitlement to supportive CPD necessary to sustain their professional competence).

Recommendation 9: The Albanian Government should establish the framework for a clear, consistent and stable approach to obtaining and retaining a permanent teaching post. This should clarify the relationship between a probationary period (if any) and the full open, competitive process for appointment to a permanent post. It should also clarify the requirements on teachers if they are to retain their permanent post over time. These requirements should include a clear and specific commitment to Continuing Professional Development, both as a professional obligation and an entitlement. As a professional career in the public service, teaching should be based on individual, permanent contracts. This will also require the Ministry of Education to issue clear guidelines on the role of supply lists and supply teaching generally.

Timescale: Details fully developed during school session 2011-2012, with implementation from session 2012-2013.

4.9 Specific Issues with the Appointment of School Principals

In addition to the general issues with the appointment of teaching staff in schools (see above), there appear to be specific issues with the appointment of school Principals. For example, public university staff involved in teacher education outside Tirana suggested that ‘appropriately professional’ school Principals should be licensed, and that the universities could carry out this licensing. They contrasted such an approach with the current system of ‘party appointments’. A high school Principal outside Tirana advocated fixed-term contracts (e.g. five years) for Principals. One major area of concern for the public school system was actually raised by a private high school Principal (who had previous experience in the public school system

as a Principal and a RED Director). He described a new Ministry regulation on school Principals (produced one month previously) which states that every Principal must undergo a qualifications test by Ministry-accredited training agencies, with 90 out of 100 points within this test based on four months agency training (in contrast to only 5 points given for an university M.Admin. degree). He anticipated two/three agencies will be set up to deliver this training, with participants paying 500-600 Euros. He strongly implied there will be corruption in the establishment of these agencies.

The Draft Law, as made available, would appear to address a number of these issues (Ministry of Education and Science 2010c: Articles 78-84). The law proposes that School Boards and 'Local Government' will be involved in the appointment process for Principals. There will be clear criteria on eligibility for Principal, and the aim of developing training programmes for the certification and licensing of Principals provided by 'accredited academic institutions'. Principals will be appointed for five years, with the possibility of a second five-year term. Principals will have their performance evaluated on a yearly basis against clear criteria by a commission of School Board and Local Government representatives, and may have their employment terminated by the RED on the recommendation of the Inspectorate or the School Board and Local Government, following failure to meet performance criteria. On the other hand, these proposals leave some issues remaining. Much power rests with the Ministry to pre-define criteria for appointment, evaluation of performance, and dismissal. It seems the formal appointment of Principals will still be made by the REDs. The wording of the Article on training and licensing will not necessarily eliminate the potential abuse described by the Tirana private high school Principal, if there is 'corrupt' accreditation of inappropriate institutions. Potential new issues of 'corruption' may emerge with the role identified for Local Government in relation to school Principals.

Such continuing evidence suggests the importance of truly transparent procedures for the appointment of Principals which are

based on merit and competition, not political connection. It will be important for such processes to include the need for aspiring Principals to complete further ‘leadership’ study, but this should be based on public university awards rather than some inappropriate training agency system. It will also be important for Principals to be accountable for their performance against genuinely objective professional criteria, with their continuation in post depending on this, and not on their political connection to parties currently in power. Fixed-term appointments, possibly renewable, may be a useful element within such an approach, but their use should be monitored to ensure they are not a disincentive to people applying for Principal posts.

Recommendation 10: The Albanian Government should ensure that school Principals are appointed through a transparent process based on open competition and merit, not political and personal connection. Criteria for appointment should include the requirement to demonstrate successful completion of advanced leadership study on an accredited public university course. Principals should be accountable for their ongoing performance against objective professional criteria. There should be further inclusive review with all relevant stakeholders on whether or not the use of fixed-term appointments enhances the quality of applicants for Principal posts.

Timescale: New appointments process implemented during school session 2011-2012; agreement on approach to fixed-term appointments reached during session 2011-2012, with any consequent implementation for session 2012-2013; details of performance review system fully developed during session 2011-2012, with implementation for session 2012-2013.

5 PRIVATE TUTORING

5.1 The Nature of the Problem

Evidence from a range of sources indicates that private tutoring for public school education is widespread in Albania. This was confirmed by high school students in Tirana and outside Tirana, by

parents in Tirana, and by University students in Tirana (referring back to their own high school experiences). Evidence suggests that almost all State Matura students have private tutoring, and parents also mentioned private tutoring is particularly significant at Grade 9, especially second semester. Private tutoring at Matura level seems to be particularly significant for Mathematics, Chemistry, Physics, Literature and English.

There was reference to some private tutoring being provided by 'educational centres'. Senior staff at the Ministry of Education's Private Education Institutions Department did refer to a separate licensing process for tutoring centres, and parents made some reference to tutors needing licences. However, this seemed to refer to tutors working for tutoring centres, and these centres appear to concentrate upon modern languages, especially English. The overwhelming evidence indicates that private tutoring is provided by public high school teachers, and that this certainly involves the widespread practice of teachers giving private tutoring to their own high school students.

There seemed a general recognition by interviewees that public school teachers are 'breaking the law' if they tutor their own pupils. For example, this was mentioned specifically by Tirana parents. However, the legal position on private tutoring needs to be more transparent. No reference to private tutoring seems to be included in the Draft Law, as presented to the external experts. The Teachers' Code of Conduct explicitly prohibits private tutoring by teachers of pupils attending their own school (see Open Society Foundation for Albania 2008: Part I, Section 3, Rule 5), but this document currently only has draft status. When the external experts requested that PACA staff seek confirmation from the Ministry of Education on the legal position on private tutoring, Ministry officials referred to the Normative Dispositions on Pre-university education in force since school year 2002-2003, specifically Article 44 (Duties and tasks) (2) q. 'it is forbidden to the teacher to conduct private courses for his pupils'. The illegality of the practice must be made unambiguously explicit in up-to-date law.

As mentioned in Section 2, the general public may not connect school teachers as strongly as some other groups with corruption in the sense of paying bribes etc. It was already noted that the 2009 Corruption Survey indicated only 9.6% of the general public had paid bribes for their children at school, down from 29% in 2005, and compared to 37.1% who had paid a bribe to a doctor or a nurse (see Institute for Development Research and Alternatives, Albania 2009, p.18). As argued previously, this may contribute to the general public ranking public school teachers as better than average on corruption measures, compared to other major groups (e.g., as already mentioned in Section 2, in the 2010 Corruption Survey on a scale from 0=very honest to 100=very corrupt, teachers were rated 46 against an average for 20 institutional groups of 62.4, with doctors at 79 – see Institute for Development Research and Alternatives, Albania 2010, p.9). However, this may reflect a failure of the public to define private tutoring of their own pupils by public school teachers as corruption. In contrast, this Risk Analysis assumes such private tutoring is a corrupt, systemic breach of the legal position, as well as the relevant ethical principles of public and professional life.

High school students said that most of their teachers work as private tutors. The general impression was that this is normally with the class teacher, and this was also confirmed by university students recollecting their high school experiences. Evidence was presented of tutoring sessions being held in the teacher's house, generally with groups of pupils. High school students recognise the current type of private tutoring is a form of corruption. These students described a situation where students will obtain better marks in the internally assessed Matura work (referred to as the 'average grades' in Albania) if they attend private tutoring, and correspondingly these grades will be poorer if students do not attend private tutoring. Tutoring sessions may explicitly cover what will be included in forthcoming Matura internal assessments. The clear implication was that students will obtain better grades in internal Matura assessments not just because they will be better prepared through private tutoring, but that favouritism in marking will be shown to those students

attending private tutoring, and bias will be shown against those who do not. (Section 6 on the State Matura will return to these issues with the 'average grades'.)

Students and parents recognise the heavy cost of private tutoring. A range of costs was mentioned. The minimum figure quoted was 500 ALL (c. 4 Euros) per hour (outside Tirana), with the figures in Tirana ranging from 500 to 1050 ALL (c. 4-8 Euros) per tutoring session. Parents emphasised that these costs are heavy for families. Representatives of the Roma community indicated that their community is effectively 'priced out' of private tutoring (see later Section 9 on the Roma community).

On the other hand, parents said they should have the right to pay for private tutoring, and students emphasised their parents want private tutoring and see its beneficial impact.

5.2 The Way Forward

The desire of parents to do the best for their children is understandable, and the ultimate right of parents to arrange some type of private tutoring cannot be denied in a free economy and society. However, it seems clear that the current form of private tutoring operating in Albania is a systemic corruption of the kind of relationship between public school teachers and their students which should be found in a contemporary European educational system. Parents and students are entitled to public school provision which guarantees them the quantity and quality of teaching sufficient to achieve the highest possible results within the public examination system, without having to resort to financially very burdensome private tutoring. Public school teachers should not be creating an environment in which their students feel full success can only be achieved by participating in private tutoring. In particular, it is unethical for teachers to pressurise their own students into receiving private tutoring from them, and to manipulate public high school teaching, learning and assessment approaches around such private tutoring.

It is not enough simply to have a ‘notional’ legal prohibition on public school teachers giving private tuition to their own pupils. What is required is the public school teaching profession showing a full commitment to ethical principles in professional and public life, one of which is the principle that all teaching and learning provision necessary to achieve the highest possible success in national examinations is provided free within the contractual hours of public school teachers.

If the problem is that public school teachers have to resort to private tutoring to achieve an appropriate overall salary because public school teacher core salaries are inadequate, then the issue for public policy becomes the need to increase public school teacher salaries to appropriate levels.

If the problem is that private tutoring is resorted to because there are insufficient teaching hours in Albanian high schools (e.g. because pressure of student numbers requires the operation of a ‘shift system’), or because very large class sizes prevent adequate individual feedback to students, public policy solutions should be sought for these problems. These solutions may include increasing teacher numbers in high schools, or a programme of building more high schools, as a way of reducing class sizes and increasing teaching hours through eliminating the ‘shift system’.

There is some lack of clarity on teachers’ hours, and therefore on any potential to increase teaching hours. The Collective Employment Contract 2010-2014 is not completely clear on teachers’ hours. Article 6.2a refers to school teachers spending a maximum of 6 hours per day in school premises, but Article 6.2b then talks of ‘the norms of the annual and weekly academic work’ being decided by the Minister of Education in consultation with the trade unions. There is also a reference in Article 6.6 to ‘academic hours of teachers over the norm defined in the Instruction of the Minister of Education’ being paid as extra hours, and a reference in Article 6.9 to teachers entitled ‘to extra paid work up to 30% of the academic/teaching load’.

However, these particular references seem to apply to specific categories of teachers, Article 6.6 to teachers who direct artistic activities or sports, and Article 6.9 to teachers qualified as ‘disabled people’. If these Articles actually refer to all teachers, then there is clearly an issue about how many hours public school teachers are working, and how available they may be for publicly funded additional duties, as opposed to private tutoring. (see Ministry of Education and Science 2010d)

The issue of teachers’ working hours is also relevant to the potential solution of providing free additional tutoring sessions within public high schools. Tirana university students recollected these being provided in some subjects in some schools. The external experts were also provided with Ministry of Education documents by the PACA team which appear to prescribe set hours for ‘consultation’ between teachers and students preparing for Grade 9 examinations and the State Matura, and indicate these consultation hours ‘are calculated in the annual workload of teachers’ (Ministry of Education and Science 2010a; 2010b). However, if this ‘consultation’ is intended as publicly-funded tutoring, the overwhelming evidence from interviews appears to suggest either that such ‘consultation’ is not happening, or that it is inadequate and insufficient (possibly because its usefulness is being undermined by teachers continuing to direct students towards their private tutoring ‘as what really matters’).

In a contemporary European education system, it is not appropriate for a public school system to be distorted by the widespread private tutoring of their own students currently engaged in by Albanian public high school teachers. However, it is not enough for the Government simply to have a ‘theoretical’ legal ban on such activity, which is then ignored in practice.

Recommendation 11: The Albanian Government must co-ordinate a multi-faceted strategy to end private tutoring of their own pupils by public high school teachers. This strategy should be based upon a national publicity campaign and discussion (including teachers, parents, and students) to emphasise that the corrupt aspects of private tutoring are inconsistent with ethical principles in public life (including any Code

of Conduct introduced for teachers), and that the public high school system must be based upon the commitment that the highest results can be achieved by students without the need to resort to private tutoring. The Government should also pursue all specific practical initiatives necessary to eliminate private tutoring of their own students by public high school teachers. These may include raising teachers' core salaries; reducing high school class sizes and extending class teaching hours (by a combination of teacher recruitment and a school building programme); offering free additional tutoring in public high schools, provided by teachers within their contract; ensuring there is a transparent basis in a confirmed Code of Conduct for teachers, and in legislation, for robust action, including dismissal, to be taken against teachers persisting with inappropriate private tutoring.

Timescale: Publicity campaign and public discussion during school session 2011-2012; details of practical measures fully developed during school session 2011-2012, with implementation from session 2012-2013.

6 THE STATE MATURA

6.1 Recent Positive Developments

It is clear that the development of the State Matura over the last six years has been very important for the Albanian education system. A senior Ministerial adviser presented the State Matura as a key part of the general move from an input-driven to an output-driven system, with the Matura being a national examination which gives 'reliable information on pupil achievement, comparable school results, and a basis for University admissions'.

More specifically, senior staff at the National Exams Agency detailed a series of practices developed specifically to address any potential for corruption in the Matura system (and generally the details presented correspond to the specifics within the Ministry of Education document 'Regulation on the Conduct of the 2011 State Matura Examination in the Republic of Albania' Ministry of Education and Science 2011c):

Timing of the examinations: It was indicated that examinations are sat on the same day all over the country, and, as far as possible, at the same time (this was explained as ‘within the practicable time frame’, which appeared to refer to the travelling time for the dispatch of papers, see below, and may also have referred to the travelling time for pupils in more remote areas).

Setting of the examination papers: This involves National Exams Agency staff and working groups of teachers (with the teachers drawn from a data base of ‘best teachers’). The system appears to involve the working groups preparing banks of questions, with a Ministerial nominee selecting from these in a secret process on the day before the examination. Papers are then photocopied and distributed to schools under police escort (it was implied this was on the examination morning, but see comments below by high school students outside Tirana).

Evaluation (i.e. marking) of the examinations: The evaluation of examination papers (‘evaluation’ appears to be the term used in Albania for marking) involves the selection of markers by the REDs, with the Ministry having final approval. Marking then takes place in six evaluation centres, during teachers’ vacation time, in one concentrated week, with teachers receiving extra payment for involvement in marking. Teachers mark papers from other geographical areas, and papers are bar coded to ensure anonymous marking. It was indicated there is double-marking of every script, with third marking also if required.

Supervision (i.e. invigilation) of examinations: The National Exams Agency staff admitted that supervision of examinations is a problem area (‘supervision’ is the term used in Albania for invigilation). They described measures taken to address possible corruption issues. Specific rules have been set for candidates, e.g. no mobile phones are allowed in examination rooms. Fairly elaborate procedures were detailed around supervision. Apparently, supervisors for an area report to a particular location at 7.00a.m., when lots are drawn to allocate supervisors to particular schools. Examinations begin at

10.00a.m. to enable supervisors to travel from the location of the ballot to their supervising sites. Assurances were given that ‘action has been taken’ against pupils and supervisors who have engaged in inappropriate activity during examinations. For teachers, this has included dismissal, warning of possible future dismissal, and removal from supervision.

As mentioned, specific details consistent with these comments can be found in the ‘Regulation on the Conduct of the 2011 State Matura Examination in the Republic of Albania’ (Ministry of Education and Science 2011c). Article 9 refers to special commissions for the examination of tests where copying is suspected (KOPOTED). Article 12, par.11, instructs the Regional Educational Directorate/Educational Office (DAR/ZA) Matura Commission to ‘consider and establish measures against the violation of rules of Matura examination administration, based on the written information sent by the person in charge of the examination administration, DAR/ZA representatives or MoES monitors-representatives’. Article 49 lists twelve specific duties of the person in charge of the examination administration (PAP), and Articles 50 and 51 list twenty-five specific duties of the examination administrators (AP), the term used for examination supervisors. These include a range of actions which should eliminate cheating. Under Article 49, par.7, the person in charge of the examination administration (PAP) is required to report to DAR/ZA State Matura Commission (KMSH) ‘every irregularity observed during the conduct of the examination’. Under Article 50, par.7 and 9, the examination administrator (AP) is required to keep a record of any irregularities observed during the conduct of the examination, and report these to the PAP. Under Article 51, the AP is required to supervise all exam premises rigorously and continuously’ (par.6), and, for example, is not to allow Matura candidates to ‘communicate with and copy from each other or persons outside of the examination premises/room’ (par.8). Article 64 par.1a, b then very precisely links violation by PAPs and APs of particular aspects of Articles 50 and 51 with either ‘Warning of dismissal from employment’ or ‘Dismissal from employment’.

Regarding Matura students, Article 56 lists a range of offences which will lead to Matura candidates being dismissed from the exam and their result not being recognised. These include such offences as exchanging information, copying or communicating between candidates (par.3), or keeping a 'mobile phone, radio or communication instrument in the examination premises' (par.5).

The internally-assessed 'average grades': The National Exams Agency staff explained they were happy with the position on the internally-assessed 'average grades'. Partly, this is because only 20% of the overall Matura results are based on the 'average grades', which Agency staff feel is appropriate to avoid any excessive weighting to these grades, given that there may be some risk to national reliability of these grades through possible subjectivity in teacher marking. Agency staff also indicated that the 'average grades' are compared statistically with external examination results to detect any inconsistencies which may suggest lack of reliability in a school's internal assessment.

Other evidence was also available indicating that students do not necessarily sit the Matura in their own school. Tirana university students mentioned that students sometimes sit the Matura in their own school, but sometimes in another school. A Tirana private high school Principal indicated that private high school students go to public schools to sit their Matura, and public high school students generally sit the Matura in different schools, not their own. Parents in Tirana, and high school students outside Tirana, also explained that supervisors are from 'primary schools', not high schools.

The above evidence, particularly that provided by the National Exams Agency, demonstrates that conscientious efforts have been made to establish procedures designed to eliminate major sources of potential corruption in the State Matura system. In particular, very considerable work has been undertaken to secure appropriate approaches to the setting and marking of final examinations. In this connection, both high school students and parents expressed confidence in the integrity of the marking of the final examinations.

However, despite these initiatives, there appears to be very strong evidence of two systemic corrupt abuses which undermine the credibility of the State Matura.

6.2 Problems with the State Matura

6.2.1 Problems with the final examinations

Overwhelming evidence was presented for systemic problems with the supervision of final Matura external examinations. Parents in Tirana commented strongly on supervising teachers colluding in cheating during final examinations. A high school Principal outside Tirana conceded that cheating took place during supervised examinations in his school, but he explained the Principal has no responsibility over supervision, and supervisors do not report incidents to him. High school students outside Tirana were particularly outspoken in describing cheating in the final examinations. They spoke of students helping each other, and of students using mobile phones during examinations, even to contact their teachers. They explained this is not a problem of supervisors 'missing' cheating (mention was made of good supervisor to student ratios, perhaps as low as 1:8/1:9). Rather, they described a general situation where supervising teachers (usually from primary schools) permit cheating because they 'genuinely' want to help. As will be discussed below, this is not a specific issue of high schools teachers supervising their own students and colluding with them in cheating (e.g., the measures taken by the National Exams Agency appear to ensure high school teachers are not involved in supervising their own students). Rather, there is a much wider issue to address over the commitment of all school teachers and students to values in public life which condemn cheating within any examination system.

All of this suggests that the apparently comprehensive rules on examination supervision in the 'Regulation on the Conduct of the 2011 State Matura Examination' are not being adhered to, and reporting of consequent irregularities is not taking place. There are also some aspects of the Regulations themselves which

are not fully clear. For example, there is no real detail on how special commissions for the examination of tests where copying is suspected (KOPOTED) will operate. It is also not completely clear if 'dismissal from employment' under Article 64 refers to dismissal from the post of examination administrator for the future, or actually dismissal from the employee's underlying permanent post (which generally seems to be that of primary teacher, from the evidence presented). Clearly, dismissal from underlying permanent post is the much more meaningful sanction.

High school students outside Tirana also mentioned problems with the content of examination papers being made available the day before an examination. This raises possible questions on whether papers are dispatched from Tirana on the morning of examinations (as described by the National Exams Agency), or actually the night before (perhaps unavoidably because of journey times). In this context, it should also be mentioned that some Albanian sources doubted the feasibility of supervisors reaching examination schools in some areas between a 7.00a.m. drawing of lots and a 10.00a.m. start of examinations (again because of some of the journeys which may be involved).

6.2.2 Problems with the internally assessed 'average grades'

While less condemnatory of the integrity of the State Matura than evidence over the final examinations, evidence was also presented of significant concern with the 'average grade' system. High school students, both in and outside Tirana, argued that teachers tend to mark 'average grades' too severely. They implied this is partly to ensure students take private tuition from the teachers (the suggestions to students probably being both that private tuition is needed to achieve good grades in severely marked internal assessments, and that severely marked internal assessments emphasise how difficult it will be to obtain good grades in the final examinations without private tuition). High school students outside Tirana also implied that teachers may show 'subjectivity' (by which they mean favouritism) to certain

students, especially those with ‘powerful parents’. Parents in Tirana also expressed the view that teachers in some areas of the country are less strict in assessing ‘average grades’ than in other areas. While emphasising their use of statistical comparison of ‘average grades’ with external examination results, National Exams Agency staff conceded that they do not undertake any direct external moderation of samples of internally assessed ‘average grades’.

6.3 The Way Forward on the State Matura

A superficial response to the problems identified with the State Matura, especially the issues over supervision of external examinations, is simply to suggest additional mechanistic and punitive measures. For example, the high school Principal outside Tirana suggested explicitly treating cheating as a ‘criminal offence’, involving dismissal where appropriate (this may or may not happen already in some cases, but he seemed to be implying a much more widespread use of this sanction). He also suggested that the Exams Agency should prepare a number of ‘tests’ for each examination, only one of which is chosen on the day in the examination room (presumably by the supervisor); that the distance between students in the examination rooms be increased; and that students should be more rigorously ‘checked’ before entering examination rooms (presumably for mobile phones etc.). Such measures may help address abuses. Clearly also, in relation to the internally assessed ‘average grades’, a system of external moderation of samples of these internal grades would increase the reliability of this form of assessment.

However, while such mechanistic responses may help reduce some incidents of cheating or other malpractice, they do not address the underlying issue. A great deal of admirable work has been undertaken in developing the State Matura. However, the Matura will not be able to establish itself fully as a credible public examination by contemporary European standards unless systemic cheating is eliminated from its final examination system, and unless the reliability of its internally assessed ‘average grades’ becomes more secure. In turn, this will only be achieved if the entire Albanian school

teaching profession unequivocally commits to an ethical approach to professional and public life and condemns all undermining of the integrity of the public examination system as completely unacceptable. This applies to collusion of supervising teachers in examination cheating; to any teacher assisting their own students, e.g. on a mobile phone, as part of that cheating; to any teacher sharing the content of final examinations with students in advance of examinations; and to teachers undermining the reliability of internally assessed 'average grades', e.g. as part of an inappropriate approach to private tutoring. Further, this commitment to an ethical approach to public education must also be embraced by the whole of Albanian society, including parents and students, as well as teachers. In particular, it is essential that the corrosive effect of unethical behaviour does not continue to penetrate the next generation of Albanian young people. As mentioned in Section 3 of this paper, it is not helpful if Albanians see those who offer bribes (the 'givers') as either 'not corrupt', or 'corrupt but justified'. Similarly, Albanian young people who take advantage of opportunities to cheat because of supervisors who 'turn a blind eye' during examinations should not see themselves as either 'not corrupt', or 'corrupt but justified'. These young people are very impressive, but their chances of flourishing fully within modern Europe will be fatally undermined if their qualifications are associated elsewhere with results achieved under a cloud of suspected widespread cheating and other forms of corruption.

Therefore, while the development of the State Matura has been a very important achievement for the Albanian education system, it is crucial there are continuing developments to ensure the full integrity of this national examination system.

Recommendation 12: The Albanian Government must initiate and coordinate a national campaign to persuade all members of Albanian society that the credibility of Albania's high school examination system (in particular internationally) depends upon the removal of cheating, including cheating involving corruption, in the final State Matura examinations, and upon addressing potential unreliability with the State Matura's internally assessed 'average grade' system. Certain punitive or mechanistic approaches will be useful in the short-term, e.g. the high

profile ‘prosecution’ of individual supervisors and students involved in examination cheating, the external moderation of samples of ‘average grade’ work. Indeed, such approaches will remain helpful in the long-term, especially the external moderation of ‘average grade’ samples. However, a national campaign is necessary for all sectors of Albanian society to embrace the ethical principle in public life that cheating and associated corrupt practices are never acceptable in a national examination system (particularly, in this context, by supervising teachers and students themselves). In this national campaign, the Government must emphasise the major progress represented by the State Matura will be undermined, unless remaining abuses are eliminated (and this will prejudice the international opportunities of young Albanians if the credibility of their high school qualifications is doubted).

Timescale: National campaign conducted during school session 2011-2012 (making appropriate use of school teachers’ Code and Standards, as confirmed and disseminated by spring 2012 – see Recommendation 1 above); any additional mechanistic measures implemented during session 2011-2012, to apply fully to 2012 examinations.

7 ISSUES WITHIN THE PUBLIC UNIVERSITIES

7.1 The Comparative Strength of the Public Universities

Evidence from a range of groups indicated clear support for the public universities in Albania, especially in general comparison with the private universities. High school students in Tirana see the public universities as ‘better’ than the private universities, as do high school students outside Tirana (although their interest is clearly in attending public university in Tirana specifically). Tirana parents also judge the status of public universities to be higher than private universities. Tirana university students expressed the view that young people generally regard the public universities as ‘better’ than private universities, as do employers.

Senior public university staff in Tirana mounted an eloquent defence of public universities and their mission, in contrast to private universities, and again argued that students prefer public

universities. Detailed descriptions were provided of new student 'assessment' systems within public universities. These referred to 'evaluation' systems by students of the quality of courses and staff, with reliability of data ensured by linking student returns with monitoring of student attendance, so that only those students with sufficient attendance are providing evaluations. Such systems were seen as part of a strong commitment to the quality enhancement of the student experience within the public universities.

7.2 Challenges facing the Public Universities

On the other hand, senior public university staff in Tirana also raised strong concerns about the funding position of public universities. It was argued that investment is needed in infrastructure to provide the necessary capacity to meet student numbers. The need for transparency was stressed, to ensure that funds allocated by Parliament reached the public universities (reference was made to a current shortfall of 19M dollars between what Parliament has allocated the public universities, and what the Government has passed on). Certainly, Tirana university students commented on the poor physical conditions in public universities, indicating under-investment (students made particular reference to under-investment in IT). Senior public university staff also expressed opposition to the student voucher system, which they see as an inappropriate system of university funding. Opposition was also expressed to the ranking of public universities, although strong support was given to external quality assurance and accreditation.

7.3 Issues of Corruption within the Public Universities

However, despite the general preference for public universities over private universities, there is strong evidence that the public universities face more serious challenges than those just described. A range of groups raised very major concerns about corruption in public universities. These strong comments came from university students themselves, but also from parents and high school students. These comments came from groups within Tirana, but they were

directed at Albanian public universities generally, not only those in Tirana.

Very strong comments were made that you have to 'pay' for a public university education by making corrupt payments to university staff. Payments are made to academic staff (professors and lecturers) to ensure passes in examinations and assessments, and to achieve 'better marks' in these. A particular issue was highlighted with 'inflated' failure rates to increase the number of re-sit students on courses. This means the university gains additional re-sit fees. However, much more significantly, it enables professors and lecturers to set up private tutoring for re-sits, with students paying the academic staff for this. Claims were made of entire classes of students paying to ensure pass grades. It was indicated that some professors and lecturers use 'middle men' for such payments. Interestingly, university students mentioned parents will be involved in the making of payments. Criticism was also made that professors apply inappropriate pressure to insist all students on a course purchase particular textbooks which they have authored, effectively as a condition for successfully completing the course. There were also comments that there are widespread examples of lecturers helping students while supervising examinations, with the implication that this is linked to 'corrupt favouritism'.

Other issues were mentioned. For example, parents have a perception that there are significant numbers of public university academics who spend more of their time working in private universities than in the public university which employs them. Students also mentioned this issue, and they commented that some academic staff, especially perhaps some professors, are appointed because of their political connections. However, it was the set of issues around payment which was highlighted most strongly.

Senior public university staff in Tirana argued that there is no 'vulgar corruption' in public universities. They described the introduction of mechanisms such as students being assessed throughout the year, thus preventing end of course 'corruption' over final examination

marking, and different staff being involved in setting and marking examinations. As mentioned earlier, some senior staff also detailed new systems for students to evaluate their course experiences and staff, and there was an implication these mechanisms can pick up issues of corruption. It is also important to stress that public university students indicated corruption 'depended on the professor', i.e. not all staff engage in the corrupt practices described. The State Quality Standards of Higher Education Institutions (HEI) also appear to contain specifics which should deal with some of the issues highlighted. For example, Chapter I, Standard II.2, Criterion 3 calls for universities to ensure 'Anonymity is preserved during the correction of exams'. Chapter III, Standard I.2, Criterion 7 states that an 'Ethics Council is set up at the higher education institutions and discusses ethics-related issues of the university life. It submits proposals to the rector on these issues'. Presumably, such Councils could address issues of corruption as a central part of their remit. (See Ministry of Education and Science 2011a.)

However, the strength of comments from different groups clearly indicates such potential measures are not being implemented effectively in practice, and major concerns persist over a significant incidence of corrupt practices in Albania's public universities. It should be mentioned that a 2005 Survey 'Regarding the perception and experience of the Albanian Student Community concerning the level of the Corruption, Abuses and Transparency in the Albanian Public Universities' was made available to the visiting experts (Albanian Student Government supported by Open Society Institute Budapest and Tirana 2005). The findings of this survey were broadly consistent with interview evidence of a significant scale of corrupt practices within public universities. More generally, it should also be repeated that the Albanian Corruption Surveys of 2009 and 2010 both rate university professors significantly less favourably than public school teachers. In 2010, on a scale where 0=very honest and 100=very corrupt, university professors were rated 71 in 2010, their 'most corrupt' rating in five years, and 63.4 in 2009 (public school teachers were rated 43.1 in 2009 and 46 in 2010) (see Institute for Development Research and Alternatives, Albania, 2009

and 2010). Of course, it is not explicitly stated in the Corruption Surveys that these ratings refer only to public university professors, as opposed to both public and private university professors.

Corrupt practices are totally incompatible with contemporary European ethical principles within university education. It is certainly not being suggested here that practices in Albania's private universities are above criticism, and that issues only relate to public universities. However, a separate report is being produced to cover private universities (and private schools). Indeed, in the context of the present report, it is crucial to re-emphasise that evidence clearly indicates the general view within Albania that public universities are superior to private universities. Therefore, as one senior public university leader in Tirana so powerfully argued, the overall future of university education in Albania depends on a healthy public university sector. However, this will require not only the public resource support called for by that leader, but also the total commitment of all public university staff to embrace ethical principles in their professional practices, and abandon disconcerting forms of 'vulgar corruption'. As already discussed in relation to high school students and the State Matura, it is also essential that the whole of Albanian society embraces such an ethical approach. The main concern is again the corrosive effect that unethical behaviour will have on Albania's young people, and their chances of flourishing within modern Europe, in this case if their university qualifications are associated elsewhere with results achieved under a cloud of suspected widespread cheating and other forms of corruption. As mentioned in Section 3, the attitude that the 'giver' of a payment is either 'not corrupt', or 'corrupt but justified', must not lead students to think that it is appropriate for corrupt payments and other corrupt practices to become embedded in future university life in Albania. Parents also must engage with appropriate ethical approaches, if, as was suggested, they are involved in corrupt payments to their children's professors and lecturers.

Short-term, university leaderships and administrations should also consider more mechanistic measures to address corruption, such as

bar coding to underpin anonymous marking of examinations, and departmental approval of booklists to reduce arbitrary prescribing of personally authored textbooks by academic staff.

A healthy public university sector is essential to the overall development of education, economy and society in Albania. Generally, Albanian public universities appear more highly regarded than private universities (and private universities will be discussed in a separate report). There is much evidence of high quality commitment by many staff to the best ethical principles of the public university. However, concerns clearly exist in Albania's public universities that the method and level of public funding is inadequate to provide the highest quality provision desired, and there is strong evidence of 'vulgar corruption' among staff within public universities.

Recommendation 13: The Albanian Government must ensure all funds allocated to public universities actually reach them, and should have full dialogue with university leaders on the level and methods of funding necessary to fulfil their mission. The Albanian Government must undertake a national dialogue with the senior leadership of the public universities. This should be directed to establishing honestly the extent of the problem with 'vulgar corruption', and to initiating major staff development with public university staff to ensure all embrace the ethical principle that corruption within the university is the antithesis of the values of a community of scholarship. Specifically, this must ensure the elimination of such corrupt practices as students paying academic staff to achieve good grades, or to secure pass grades; students being manipulated to pay academic staff for private tutoring; academic staff applying inappropriate pressure on students to purchase their authored textbooks; or academic staff colluding in cheating during university examinations. The Albanian Government must also co-ordinate an equivalent initiative with university students and their parents. As with the State Matura, this national initiative by the Albanian Government must emphasise the key point that the international opportunities of young Albanians will be prejudiced if the credibility of their public university qualifications is doubted because corrupt abuses remain endemic within the public university system. On the other hand, the Albanian Government must handle this initiative sensitively to ensure

that any deficits of the public universities are only addressed at the same time as those of the private universities are highlighted. This will be necessary to avoid any unfair treatment of the public universities.

Timescale: Funding issues to be addressed to ensure implementation for any remaining aspects of funding for academic session 2011-2012, and for all aspects of funding for academic session 2012-2013; national dialogue and initiatives on corruption to be undertaken during session 2011-2012.

8 THE ALTERNATIVE TEXTBOOK SYSTEM

8.1 The Positive Development of the Alternative Textbook System

A great deal of effort has gone into developing the Alternative Textbook (Altertekst) system since it was introduced in 2006. The Altertekst system is presented by officials as a major achievement in removing the corruption of a previous approach in which the Ministry of Education had a monopoly on textbooks.

In meeting with a senior adviser to the Minister of Education, and the Ministry's Textbooks Approval Commission/Committee, overall emphasis was placed on competition being ensured within the Altertekst system, with the Ministry not involved in the actual evaluation of textbooks. The different levels of the Altertekst system were described (this description of detail in meetings corresponded to the details subsequently made available in the Ministry Information Package "Altertekst 2010-2011" Ministry of Education and Science 2011b):

The Ministry's Textbooks Approval Commission

(The various Altertekst groups were normally referred to as 'commissions', although they were sometimes described as 'committees'. The term commission will be used in this paper.) This overall Commission appeared to comprise six Ministry officials. The role of this Commission is to confirm the members of the various textbook evaluation commissions (see below).

The Textbook Evaluation Commissions

A textbook evaluation commission is established for each major subject area. Each commission has five members, one from the university sector (presumably the public universities), three 'best teachers' for the subject, and one linguistic expert. The names for the University sector come from the Rectors' offices, and they cannot be textbook authors. The teachers are identified by the REDs, and again cannot be authors (and there are criteria for identifying these 'best teachers'). The 'linguistic expert' will be a 'good teacher' of language and literature. The Textbooks Approval Commission appears to make the final selection from the names provided for membership.

Textbooks are 'anonymised' when considered by the evaluation commissions. The evaluation commissions work with clear criteria. After due consideration, they announce the 'winning textbooks' (i.e., more than one at each Grade for each subject).

Ministry officials from the Textbooks Approval Commission indicated that c.30 publishers are involved each year offering textbooks for consideration. Within this total, it was suggested there are c.10-12 'powerful' publishers, c.4-5 'specialist educational publishers' and 2 'very specialist' educational publishers. Essentially, these are Albanian publishing houses, although the Ministerial adviser mentioned that some use had been made of translated Italian textbooks (see below).

Pricing of Textbooks

It was emphasised that the Textbook Evaluation Commissions do not deal with the prices of textbooks. Prices are determined by a published formula made available through the Ministry's Textbooks Approval Commission.

Textbook Selection Commissions

The national shortlists of 'winning textbooks' are then considered by school-based Textbook Selection Commissions. Each has ten members, covering a particular subject, and may involve teachers from a grouping of schools, not just a single school. In meeting a

group of Tirana high school teachers, a more detailed description of the operation of these school commissions was provided. The Commissions evaluate textbooks using clear criteria. Textbook authors from the school staff cannot have their textbooks considered. Voting on the textbooks is secret. Once selected for a school, the textbooks are sold to parents in schools by agents of the relevant publishing houses.

In meeting with a major textbook publisher, he confirmed he saw the Altertekst system as a major step forward from previous systems, and generally as the ‘only way’ of providing school textbooks.

8.2 Evaluating the Alternative Textbook System – Some Issues

While the system described above contains many conscientious efforts to ensure a corruption-free, competitive process, it still contains some potential flaws in this respect.

There are still possibilities for ‘top down’ bias in the identification of members of the Textbooks Approval Commission and the associated textbook evaluation commissions. As indicated, members of the Textbooks Approval Commission appear to be drawn exclusively from Ministry officials. In turn, they seem to have the final power to select and confirm members of the textbook evaluation commissions from the names forwarded to them. These names emerge from other power holders, particularly the REDs in proposing school teachers (and terms like ‘best teachers’, even if linked to criteria, contain the potential for subjective bias, including political bias).

More specifically, the explanation of the recent adoption of translated Italian textbooks was not fully convincing in terms of due process. It seems possible that the Ministry may have approached these publishers directly and outside the full textbook evaluation process, effectively ‘fast-tracking’ them. Although these textbooks have now been withdrawn, they had clearly presented problems when used in schools. For example, high school students in Tirana were critical of

badly translated textbooks, and this clearly seemed to be a reference to these Italian textbooks.

More widely, there may also be an issue at the school commission level. In meeting Tirana high school teachers, they indicated that the names of authors and publishers are visible on the books being considered at their level. While printing issues will be involved, there may be a case for anonymising textbooks at this level, as well as at the textbook evaluation commission level.

Apart from such issues on ensuring a completely unbiased selection process, evidence emerged of other issues around the *Altertektst* system. In meeting Tirana parents, it was claimed that more than 40% of parents are unhappy with the quality of textbooks. It should be stressed that this view was not necessarily shared by other groups. Tirana high school teachers said that parents are comfortable with individual textbooks and the *Altertektst* system generally, and high school pupils outside Tirana said their parents' views are similar. However, a number of the concerns of Tirana parents were forcefully made, and seemed consistent with some potentially systemic issues in the *Altertektst* scheme, particularly relating to the annual nature of the *Altertektst* exercise, and to textbook costs.

The Tirana parents commented on superficial (and they implied unnecessary) changes to textbooks being made from one year to the next. When questioned, Ministry officials defended the annual nature of the *Altertektst* exercise as necessary to keep textbooks up to date. In meeting a major publisher, he also supported the idea of annual update. However, a case can certainly be made that annual revision of textbooks may be excessive, and unnecessary in many cases. Indeed, some mixed messages emerged on this from evidence. Ministry officials seemed to indicate textbooks are 'licensed' for three years, and Tirana high school teachers appeared to say that there are some years when no change is made for a particular subject Level (thus enabling, for example, textbooks to be handed down from one sibling to the next). This would suggest that school commissions effectively are considering the winners from each new

annual exercise against the possible continuation of any texts still ‘licensed’ from the previous two years. All of this would imply that the continuation of the very time-consuming *Altertekst* exercise as an annual one should be reviewed. This may help re-assure parents who have concerns about the cost implications of the unnecessary purchase of marginally amended texts. Reviewing the annual nature of the *Altertekst* exercise may also be consistent with addressing issues of coherence across levels with textbooks. Such issues were suggested to be a problem by Tirana parents. The major publisher also saw attractions in a publishing house being granted approval to produce texts across a number of subjects, and for more than one year, but as part of a single approval decision. These points all suggest that there could be flexible variation beyond the current annual ‘textbook by textbook’ exercise.

Of course, this is not to argue for a system which inappropriately ignores the need for on-going update of textbooks. On this point, evidence was not clear on the completeness of current systems for evaluating textbooks. Ministry officials indicated that schools complete evaluation forms on textbooks. The Ministry can then ask publishers to ‘revisit’ textbooks in the light of this feedback. These officials implied textbooks can be withdrawn if feedback from schools suggests sufficiently serious problems. These approaches appeared to be generally confirmed by Tirana high school teachers. These teachers mentioned the RED organising monthly meetings for teachers, which can cover feedback on textbooks. However, it was not absolutely clear that this involved written reports going from the RED to the Ministry. In addition, while Tirana high school teachers talked of gaining feedback from students on textbooks, Tirana high school students suggested there should be an increased role for themselves in giving feedback on textbooks. This would enable them to highlight issues such as their view that there needs to be a better match between textbook coverage and Matura examination questions.

There seemed to be some difference of views on the price of textbooks. Ministry officials indicated textbooks cost 2-3 Euros

each. The major publisher argued these prices are low, and that parents should pay the full price. On the other hand, Tirana parents indicated that the overall cost of textbooks for a family can be very burdensome. The Ministry perhaps implied there is a genuine issue about cost when they described the current attempt to provide books free for all pupils at Grades 1-5, in addition to previous subsidies for those on 'economic assistance' and minorities, including Roma (see Section 9 on the Roma).

In addition to the price issue, there appear to be issues with the financial and other aspects of the distribution system. Aspects of the distribution system seem unclear. The major publisher explained that publishers must find 2,000 agents and cash machines for distribution in schools. This seems to create the potential for major problems with missing receipts etc.. For example, Tirana parents suggested this is a major issue with those trying to claim re-imburement (which implies those entitled to free/subsidised textbooks have to pay first, which may be a problem for them in itself, before re-imburement). An alternative approach may be to retain decisions on textbooks at school evaluation commission level, but for the RED to 'aggregate' these decisions and act as a 'conduit' for distribution (this could be combined with public funds paying the publishers, or the RED processing the payments to the publishers, but the original payment being made by the parents). Without giving publishers undue influence, such complexities suggest there is merit in the major publisher's suggestion that publishers are fully included in discussions about how the Alvertekst system develops.

More generally, it is important to propose that the general approach to prescribed textbooks within the Albanian school system is continually reviewed to ensure that the overall approach to learning and teaching resources is consistent with contemporary pedagogical principles. There is a systemic risk that a prescribed textbook approach leads to narrow 'teaching to the text'. High school students, both in and outside Tirana, and Tirana university students (recollecting their previous high school experience) suggested they had encountered this. On the other hand, there was re-assuring

evidence from a number of groups that prescribed textbooks are being supplemented by teachers' own learning and teaching materials, including internet resources, PowerPoint and other IT resources. This was confirmed by Ministry officials, Tirana high school teachers, high school students in and outside Tirana, and Tirana university students (recollecting their previous high school experience). In reviewing future developments on *Altertekst*, it will be important to consider whether such a prescriptive textbook system is required, even one based on 'non-corrupt' competition, as the use of a contemporary variety of learning and teaching resources becomes embedded in the pedagogy of Albanian teachers.

If there were previously major corruption problems with a non-competitive monopoly textbook system completely controlled by the Ministry of Education, clearly major efforts have been made through the *Altertekst* system to increase competition and reduce corruption.

Recommendation 14: If continuing, the *Altertekst* system should be kept under on-going review by the Albanian Government for possible further refinements. For example, the membership of the Textbooks Approval Commission could be extended more beyond the Ministry of Education, the robustness of the objectivity of selection to the textbook evaluation commissions needs to be continually reviewed, and texts could usefully be anonymised when presented to school commissions. Consideration should certainly also be given to simplifying the distribution and payment system, e.g. using the REDs as a conduit for aggregate ordering and payment (but aggregate ordering still based on school commission decisions). Consideration should also be given to simplifying the annual 'textbook by textbook' exercise by approving sets of books from a publisher for several years. More fundamentally, the Albanian Government should ask deeper questions about whether a disproportionate amount of time is absorbed in what is ultimately a rather traditional exercise. As teaching and learning approaches are increasingly based on a variety of resources, including IT resources, the 'prescribed text' approach may constrain innovation in teaching and learning. The Albanian Government should also reflect on whether the time and energy devoted to eliminating corruption in textbook systems may be better spent on combating other forms of corruption within the education system, such as those described elsewhere in this Risk Analysis.

Timescale: All relevant issues to be reviewed during school session 2011-2012, with any consequent developments implemented for session 2012-2013.

9 THE ROMA

Specific attention was given to the position of the Roma community in relation to the Albanian education system. Roma leaders demonstrated an impressive commitment to raising awareness among the Roma people of the importance of education. However, they recognise they face major challenges in connecting their people fully with the education system. Generally, the involvement of the young in Roma business (such as second hand clothes, scrap metal etc.) limits the time they can make available for education. There are also particular challenges with the two (of five) tribes who travel most and settle least. Therefore, very few Roma young people attend high school, their objective being to finish Year 9. Currently, there are no Roma school teachers, although some Roma young people are now attending university.

More particularly, the Roma leaders highlighted financial issues with accessing textbooks. Effectively, they appeared to claim these are never provided free. What seems to happen is that publishers charge the Roma, but there then appears to be an assumption publishers should issue receipts which the Roma can use to reclaim costs of textbooks. It appears these receipts are not being issued. The Roma leaders emphasised strongly that the desired level of Roma school attendance will not happen 'until the textbook problem is solved'.

In addition to the financial issues associated with textbooks, the Roma leaders emphasised their people cannot access private tutoring because it is too expensive. This consequently disadvantages Roma young people, especially 'as their teachers lose interest in them'.

The Roma leaders also raised the issue of Roma children being directed to 'predominantly' Roma schools, thus creating a barrier to equality of treatment and social integration.

The Roma leaders called for differentiated social policies for the Roma, and that the World Bank and other external funding provided for such purposes must be demonstrably spent on the Roma. Their key request is for the establishment/re-establishment of social centres for the Roma. These centres would provide pre-school education; a place for school attendees to work on school work outside school hours (including the opportunity to meet teachers); and adult literacy support. These centres had been provided before (Swedish funding was mentioned) and had been very successful, including with the travelling tribes. However, they have not existed for the last two/three years.

Achieving appropriate social inclusion of the Roma community is an important challenge for the Government.

Recommendation 15: The Albanian Government should commit fully to differentiated social policies for the Roma community, and to transparently spending on the Roma all external funding provided for this purpose. However, this should not mean directing Roma children to predominantly Roma schools. Rather, priority should be given to the development of social centres for the Roma, providing opportunities for pre-school education, supportive contexts for school attendees, and adult literacy support. Free provision of school textbooks should also be fully guaranteed for Roma families (e.g., through the Government issuing Roma families with purchase coupons equivalent to the price of the textbooks).

Timescale: Implementation during school session 2011-2012, including the opening of social centres.

10 CONCLUDING REMARKS

As emphasised in the Introduction, this paper focuses on an analysis of issues within Albania's public education system. Subsequently, a separate paper will be produced analysing issues with the Albanian private education system. Longer-term, it will be important for both papers to be considered together. This will avoid any false impression that there are only issues with Albanian public education, and none

with private education. This is particularly relevant when considering the public universities. Despite any issues identified with the public universities, evidence gathered showed a clear general preference in Albania for public over private universities in terms of quality.

Regarding the public education system, this paper has identified a wide range of issues to be addressed. The Albanian Government will need to create the most positive conditions possible to recruit and prepare the highest quality public school teachers, who must be able to work in an environment which guarantees them appropriate staffing levels, and within which staff appointments and career development are treated in a transparent and fair fashion. The credibility of the public secondary school system must be strengthened by the elimination of private tutoring of their own students by public school teachers, and the elimination of cheating and other corrupt practices within the State Matura. Similarly, while the public universities are generally more highly regarded than the private universities, strong measures are required to eliminate 'vulgar corruption' within them. While aspects of the Alternative Textbook system should be kept under on-going review, the time and energy which to date has been devoted to developing this system may now be better spent addressing other forms of corruption within education. Finally, the Government must pursue appropriately differentiated social policies towards the Roma community, if this community is to be fully included within the education system.

Underlying these specific actions, the Government must ensure it demonstrates a commitment to respecting the integrity of the Albanian public education system, i.e. that the public education system exists to provide the highest-quality educational experiences for its students at all levels, and that it should be staffed on this basis. The Government must make clear it is inappropriate to use the education system as a means of allocating jobs and other favours on the basis of personal and political connection. In particular, the Government must ensure it sets a framework for an education system based on ethical principles in public life. For example, central to this will be the clear establishment of a positive Code

of Conduct, and Standards, for the teaching profession, which must ensure the total commitment of all teachers to the highest standards of professional ethics. This will include recognition of the inappropriateness of private tutoring, and of inadequate supervision of public examinations, both of which undermine the integrity of public education. Of course, this 'bottom up' commitment to ethical principles in public life from the teaching profession must be matched by a similar commitment from all sectors of society. As discussed in Section 3, all Albanians must recognise that it is not justified to be either the 'giver' or the 'receiver' in seeking corrupt advantage. While requiring this universal 'bottom up' commitment to ethical principles in public life, it must finally be stressed that this does not remove the need for the Government to take specific responsibility in initiating and supporting such developments.

11 REFERENCES

General Literature and Resources

General Teaching Council for Scotland (GTCS) (2008) *Code of Professionalism and Conduct*, Edinburgh: General Teaching Council for Scotland.

Hallack, J. & Poisson, M. (2007) *Corrupt schools, corrupt universities: What can be done?*, Paris: The International Institute for Educational Planning.

McKinsey and Co. (2007) *How the World's Best-performing School Systems Come Out on Top*. Available online at

http://www.mckinsey.com/App_Media/Reports/SSO/Worlds_School_Systems_Final.pdf

Organisation for Economic Co-operation and Development (OECD) (2005) *Teachers Matter: Attracting, Developing and Retaining Effective Teachers*, Paris: OECD Publications. Online at <http://www.oecd.org/dataoecd/39/47/34990905.pdf>

Scottish Executive (2005) *Ambitious, Excellent Schools – Standard for Headship*, Edinburgh: Scottish Executive.

Specific Documents on Albania, especially as made available by PACA staff

Albanian Government (2007) *On the System of Appraisal of Civil Servants' Annual Individual Achievements – Instruction No. 2 of 7 July 2000, Updated with Instruction No. 5 of 19 December 2007*, Tirana: Albanian Government.

Albanian Government (2011) *Annual Appraisal Form (for Civil Servants) – Appendix A*, Tirana: Albanian Government – no date, but made available to external experts by PACA staff, April 2011.

Albanian Student Government supported by Open Society Institute Budapest & Tirana (2005) *Survey: Regarding the perception and experience of the Albanian Student Community concerning the level of the Corruption, Abuses and Transparency in the Albanian Public Universities*, Tirana: Albanian Student Government Supported by Open Society Institute Budapest & Tirana.

Institute for Development Research and Alternatives (IDRA), Albania (2009) *Corruption in Albania: Perception and Experience – Survey 2009*, produced for United States Agency for International Development (USAID).

Institute for Development Research and Alternatives (IDRA), Albania (2010) *Corruption in Albania: Perception and Experience – Survey 2010*, produced for United States Agency for International Development (USAID).

Ministry of Education and Science (2010a) *Order No. 120 of 25.02.2010 on The Holding of Consultation to the Benefit of Pupils of IX Class of the Main Education*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2010b) *Order No. 121 of 25.02.2010 on Conducting a Consultation Meeting to the Benefit of Matura Pupils*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2010c) *Reviewed Law on Pre-University Education ('Final Draft' of May 2010)*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2010d) *Collective Employment Contract 2010–2014 (signed with Independent Trade Union of Education in Albania [ITUE] and Federation of Trade Unions of Education in Albania [FTUEA] on 25 May 2010)*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2010e) *Instruction No. 22 of 29 July 2010 "On Appointment of Academic and Management Staff for Undergraduate Education"*, Tirana: Ministry of Education and Science (Note: the term translated as 'Undergraduate' in the title of this document clearly refers to pre-school and school education, i.e. pre-university).

Ministry of Education and Science (2010f) *Existing criteria and procedures relating to the recruitment and promotion of education sector employees* – no date, place of publication and author, but made available by PACA staff to external experts, November 2010.

Ministry of Education and Science (2010g) *Basic General Standards For Teachers* – no date, place of publication and author, but made available by PACA staff to external experts, November 2010, as one of a set of Ministry documents.

Ministry of Education and Science (2011a) *State Quality Standards of Higher Education Institutions (HEI)*, Tirana: Ministry of Education and Science – no date (although relates to article 61 of the law no. 9741 of 21.5.2007), but made available by PACA staff to external experts, April 2011.

Ministry of Education and Science (2011b) *Information Package: "Altertektst 2010–2011"*, Tirana: Ministry of Education and Science – no date, but made available by PACA staff to external experts, April 2011.

Ministry of Education and Science (2011c) *Regulation on the Conduct of the 2011 State Matura Examination in the Republic of Albania, 6.01.2011*, Tirana: Ministry of Education and Science.

Open Society Foundation for Albania (The SOROS Foundation) (2008) *The Teachers' Code of Conduct and Its Regulatory Mechanism (Final Draft)* – no place of publication, but made available by PACA staff to external experts.

Project Against Corruption In Albania (PACA) (2010a) *Technical Paper on Corruption in the Albania Education System prepared by Pellumb Karameta, Council of Europe Expert*, Council of Europe/European Union.

Project Against Corruption In Albania (PACA) (2010b) *Technical Paper on the Albanian Teachers' Code of Conduct and its Regulatory Mechanism prepared by John Anderson (General Teaching Council for Scotland), Council of Europe Expert*, Council of Europe/European Union

Project Against Corruption In Albania (PACA) (2010c) *Technical Paper on Corruption Risk Assessment Methodology Guide prepared by Quentin Reed, PACA Team Leader, and Mark Philp, Council of Europe Expert*, Council of Europe/European Union.

World Bank (2010) *Albania School Stakeholder Survey and Field Experiment* – no date and place of publication, but the Appendix was made available by PACA staff to external experts in November 2010.

**ASSESSMENT OF THE LICENSING,
REGULATION AND INSPECTION OF PRIVATE
EDUCATIONAL INSTITUTIONS IN ALBANIA**

*Prepared by Professor Ian Smith and Tom Hamilton,
Council of Europe experts, June 2011*

CMU-PACA-16/2011

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INTRODUCTION

This Assessment should be read in conjunction with the broader Risk Assessment of the Albanian education system produced by the same experts and finalised in April 2011. The earlier, wider Risk Assessment focused on issues with the public education system in Albania. In that Analysis, the experts stressed that this did not imply the public education system is ‘inferior’ to the private system, and that a separate paper would assess regulation of the private education system. The current Technical Paper assesses and identifies weaknesses in the private educational sector and the systems for licensing, regulation and inspection of the sector.

The research for this Technical Paper was carried out within the general research undertaken for the Risk Assessment. This involved, firstly, desk research on (a) general literature and web resources on approaches to corruption in education systems and on the background to the Albanian system, and (b) specific reports on Albanian education, and translated versions of Albanian government documents, provided by the PACA team. At least 20 of these documents were studied when working on the general Risk Assessment, and five were used specifically for this Technical Paper. In addition, six other documents, not used for the general Risk Assessment, have been reviewed for this Technical Paper because they relate specifically to the relevant private education issues.

Secondly, and as for the main Risk Assessment, content analysis was conducted on semi-structured interviews, usually with groups but sometimes with individuals, set up by PACA staff and conducted by the experts. Two field visits were conducted in November 2010 and February 2011, totalling 9 days of interviews, including 31 interviews with a total of 86 interviewees (see PACA April 2011: 4 for further details). Only interviews from the February field trip were relevant to this Assessment, in particular: (a) interviews where issues relating to private education were noted, but this was not the main focus of the interview (interviews with high school students in Tirana, parents in Tirana, a senior member of staff in a Tirana

public university, a group of Tirana university students (both public and private); (b) interviews where the main focus was on private education issues (interviews with officials from the Ministry of Education and Science (MoES) Private Education Institutions Department, a private university student in Tirana, a Tirana private school Principal, a group of senior staff from a Tirana private university). Due to the focus of the Assessment on licencing, accreditation and inspection, it relies somewhat less on content analysis of interviews, and rather more on analysis of documents, in comparison with the general Risk Assessment.

1 SUMMARY OF FINDINGS AND RECOMMENDATIONS

In the original version of this Technical Paper, this section included a full repeat of the Recommendations contained within the main text. In the current version, the Recommendations only appear at the appropriate places in the main text.

2 GENERAL APPROACH TO ISSUES OF CORRUPTION AND PRIVATE EDUCATION

As the broader PACA Risk Assessment on the Education System already argued, mechanistic approaches (based typically on bureaucratic prohibitions) are insufficient to reduce effectively corruption in the Albanian education system (or in other sectors for that matter) The experts noted that such mechanistic approaches often seemed to be based on legal positions which were difficult to clarify, and lacked transparency, including for the general public. Persistently, contradictions were identified between legal mechanisms identified by the Albanian Government as its method of dealing with a ‘corruption’ abuse, and the widespread persistence of abuses in practice, as the legal mechanism was persistently undermined or ignored. Often, this was linked by those interviewed to the manipulation of legal mechanisms for personal gain, or personal and political bias, resulting in a general failure of

enforcement. The experts' view was that ultimately Albania will only tackle these problems effectively if all relevant stakeholders commit fully to key ethical principles in public and professional life.

This approach is applied directly to the issues considered in the current Assessment, in particular in the call for mechanisms for the licensing, regulation and inspection of private education to be rid of key weaknesses (corruption risks) such as weak, non-transparent legal mechanisms open to manipulation for personal advantage (including bribery) and political advantage. However, the approach also applies in an important indirect sense. This Paper assesses the public policy mechanisms to ensure quality within private education. However, the Albanian authorities and society may have to judge whether at this moment in the development of the education system there is an inherent risk in supporting private education, if such education systematically exhibits weak standards and practices which will have a detrimental effect on international perceptions of Albanian education. Such considerations could be reflected in a clear position of the authorities concerning the desirable size of the private education sector, rather than simply 'leaving it up to the market'.

At this stage, it may also be useful to establish the scale of private education in Albania. Recent figures provided by the Albanian government to the PACA team indicate that private schools comprise c.9% of 'Main Education' schools (140 out of 1496), with 5% of the pupils at that stage (21180 out of 420684) (the experts took this category largely to refer to Primary Education). For Secondary Education, private schools are c.24% of the schools (124 out of 508), with c.9% of the pupils at that stage (13946 out of 150134). For Higher Education, private HEIs are 72% of the institutions (31 out of 43), with c.17% of the students (20814 out of 123593). (see Ministry of Education and Science 2011c). These figures indicate a 'minority' sector, compared to the public system, but a sector of significant size and of considerable importance at the level of secondary and higher education. Given the significance of the sector, it is particularly important for the Albanian Government

to think through its underlying policies towards private education, and ensure its regulatory mechanisms are robust and transparent for whatever private education sector becomes established.

Recommendation 1: If the Albanian Government wishes to develop and sustain its commitment to producing a strong education system matching contemporary European standards, it must clarify its underlying policy position on the role of private education within Albania. This position must include a positive commitment to ensuring that regulatory mechanisms are robust and transparent for the private provision that exists.

Timescale: Political discussion during 2011, so that by spring 2012 there is a clear Government policy on the place of private provision within the Albanian education system, and a strong Government commitment to quality assurance of private education.

3 GENERAL ISSUES WITH PRIVATE EDUCATION

3.1 Evidence from previous PACA Preliminary Study, August 2010

An earlier PACA Preliminary Study on corruption risks in the education system identified some issues/problems in Albanian private education and its licensing, regulation and inspection (see PACA 2010: 19-22). This earlier Paper emphasised that the scale of private higher education was significant, with 10% of students enrolled in private higher education institutions (HEIs). As the above statistics in Section 2 indicate, this proportion continues to grow. However, while a national system of accreditation existed with the Public Agency of Accreditation for Higher Education (PAAHE) and the Accreditation Council, this appeared to be ineffective in practice. The Paper stated that, out of 34 private HEIs, 17 had not yet started the process of accreditation, 10 were at some stage in the accreditation process but not fully accredited, and only 7 were fully accredited. The Paper also quoted from newspaper articles extremely critical of standards in private universities. On pre-school and school education, the Paper argued that the MoES had no

effective mechanism for the accreditation of private pre-university institutions. Although private pre-university institutions were covered by inspections carried out by the National Inspectorate for Pre-university Education (NIPE), the Paper stated this inspection had not been systematic, and not a single licence had been suspended so far. In short, the general picture was of a private education sector with significant quality problems, and lacking an effective system of licensing, regulation and inspection to deal with these problems. These specific issues of licensing, regulation and inspection will be returned to in Section 4 below. The rest of the current Section explores the evidence on the quality of Albanian private education.

3.2 Evidence from General Interviews

Evidence of concerns with Albanian private education emerged from general interviews conducted by the experts. The Risk Assessment already referred to comments expressing a widespread preference for public universities over private universities among high school students, university students and parents. For example, parents in Tirana expressed concerns that the ‘liberalisation’ of the university sector (i.e. the emergence of private universities) had led to problems, including questionable levels of qualification of private university staff, staff teaching at both public and private universities (although spending more of their time at the latter), and the general perception that students are guaranteed a diploma at a private university if they can pay the fees. When interviewing a group of Tirana university students, some from public and some from private universities, a private university student conceded there is a general perception that private universities effectively sell degrees, i.e. that you automatically gain your degree if you can pay the fees. Negative comments were also made about private schools. For example, high school students in Tirana stated there is a general perception that students who are failing at public high schools typically switch to private high schools, that private high schools are expensive, and that the quality of private high schools varies.

More detailed criticism of private universities specifically also emerged in the interview with senior public university staff in Tirana. There was criticism of the commercialisation of higher education associated with the emergence of private universities, which were said not to be 'mature institutions' (a problem described as typical in transition countries). According to this interviewee, in contrast to 12 public universities, there are over 40 private institutions which claim to be 'universities'. However, this senior public university figure challenged the entitlement of the majority of these institutions to be called universities. The interviewee referred to Article 12 of the relevant law (the precise law being referred to here was not clear to the experts, and the legal position on criteria for university status will be returned to subsequently in this report). This was described as setting minimum criteria for university status at the presence of two faculties, each with a minimum of two departments, and each department having a minimum of seven staff. This interviewee also argued that private universities are not bringing 'new money' into Albania from outside the existing economy.

On the other hand, some less negative comments about private education did emerge in the general interviews. For example, Tirana parents stated that class sizes are smaller in private high schools, compared to public high schools. The group of Tirana university students suggested that some private universities had better teachers and facilities than others, and there was a 'mixed picture' on the comparative standard of facilities between public and private universities. Where professors teach in both public and private universities, the students said their standard of teaching would be similar across the sectors. While conceding the general perception that private university students 'bought' their degrees, one private university student argued strongly that the 'evaluation' (i.e. assessment) process at private university is robust, and that students do fail at private university.

However, the overall view from these wider interviews is that there are significant concerns with the quality of private education, which implies that mechanisms for licensing, regulation and inspection are not currently effective in addressing these concerns.

3.3 Evidence from Interviews Focusing on Private Education

In addition to establishing any background concerns about the quality of private education from the wider stakeholder interviews, the experts also met with a number of individuals or groups where the specific focus was private education (see Introduction).

Officials from the Ministry of Education and Science

The experts met with officials from the MoES Private Education Institutions Department (see Section 4 below for the various terms used to describe this Department). The experts were informed that this Department has only been in existence for a year. Officials described the role of the National Licensing Centre (NLC), the National Inspectorate for Pre-University Education (NIPE) and the Public Agency of Accreditation for Higher Education (PAAHE), and details on the role of these organisations will be returned to in Section 4 below. The current section will summarise the wider views of these officials about Albanian private education.

Private education was described as comprising c. 15-20% of both school and higher education in Tirana. Ministry officials characterised the general Government approach to the size of the private education sector as being ‘let the market decide’, but with stricter monitoring of whatever private education emerged from this approach. Regarding private schools, officials referred to the variety of such schools, e.g. they included religious schools and English language schools. Reference was also made to tutoring centres, for which there appears to be a separate licensing system. It was noted that private high schools are particularly attractive to part-time attenders. Private school fees range from 50-80 Euros per month at the low end of the scale to 200-300 Euros per month at the high end of the scale. Ministry officials conceded that the quality of private schools is variable. The best are equivalent to public schools, and it can be easier for students to succeed in private schools because of the smaller class sizes. On the other hand, it is not the case that private high schools attract the best teachers (although it was stated that teacher quality is not a problem in private schools in Tirana).

In working towards the Matura, students in private high schools use textbooks selected under the same Alvertekst system used in public high schools.

Regarding private higher education, Ministry officials stated that there are 12 public universities, and 38 private higher education institutions (HEIs). However, they were open in conceding that only one of these HEIs is entitled to be described as a university (with the rest being more like professional colleges or higher education schools). Among the criteria for a university, these officials included the institution possessing two properties, and crucially offering first, second and third cycle programmes and awards (as defined according to the Bologna Process). Ministry officials also noted current licensing requires that private universities have full-time staff. Ministry officials described government policy as not favouring any expansion of private universities, but rather the development of professional colleges, both in the public and private sectors.

Private High School Principal

The experts met with a Tirana private high school principal. This principal made detailed comments about the systems for licensing and quality assurance of private schools. Again, these will be returned to in Section 4 below and the current Section will summarise the principal's wider views about the private school system. The principal argued that private education had originally emerged in Albania because of the problems with public education at the time (the experts understood him to be referring to the 1990s here). However, he was now very critical of other private schools, certainly up until 2008, when his own school was established. He described the strengths of his own school as a contrast with the weaknesses of other private schools. These weaknesses were principally poor discipline and poor 'evaluation' (i.e. assessment approaches and procedures). He highlighted a number of specific strengths in his school. For example, his school's class sizes are half those of public high schools. He has been able to recruit good quality teachers, partly because he paid them well (between 420 and 620 Euros per month). His school provides free evening tutoring to students. The principal

wished to emphasise his view that standards are inconsistent across private schools, and that there are certainly significant numbers which do not meet the standards of his own institution.

Private University Student

In relation to private HEIs which describe themselves as universities, the experts met with a Tirana private ‘university’ student for an in-depth discussion of her experiences and views. This student was a strong proponent of private ‘university’ education as she is experiencing it. She argued that, compared to public university, the quality of teaching is better (with a combination of full-time professors, and part-time professors who also work in public universities); the administrative services provided are superior, particularly more ‘student-friendly’; the academic life is livelier and more participatory (e.g. with ‘round tables’ involving students and academic staff); and facilities are higher quality. The student stated that students do fail in private ‘universities’ (a figure of 4-5 students per class of 20 was quoted). On the other hand, the student was describing a small institution by international university standards (1,000 Bachelor’s students, 500 Master’s students, and Doctoral programmes only offered for the first time this year). The student conceded that fee levels are high and socially restrictive (3,000-3,500 Euros per session), although scholarships are available. The experts’ impression was that the student was in receipt of such a scholarship, which appeared also to include the possibility of sponsored study in the USA. In addition, the student appeared to play a public quasi-ambassadorial role for the institution. The general impression was of a somewhat exceptional case, which could not be generalised as a model, especially for students from more average backgrounds in terms of ability and income.

Senior Private University Staff

The experts also met with a group of senior staff from a private HEI which was described as a university. There was much that was impressive about this group as individuals, and about their institution. They had strong backgrounds of personal achievement, including in some cases significant periods of residence, university study, and

university teaching in the USA. Regarding their institution, they claimed to have a high number of full-time staff relative to student numbers (75 full-time staff, and see below for student numbers), and to recruit these on merit by open competition. Their staff are allowed to work once a week in public university. They described an institution with 4 Faculties, including graduate studies and Doctoral programmes. They mentioned co-operation with a US university at Master's and Doctoral levels. They described internal approaches to quality assurance which sounded robust to the experts (however, these private HEI staff were critical of external national approaches to quality assurance - see Section 4 below). Generally, they argued for a private 'university' sector on the grounds that it is outward-looking, produces more flexible graduates, and is complementary to the public university sector.

On the other hand, it was not clear to the experts how large this HEI is, nor how far it has progressed with Master's and Doctoral programmes. A low figure of 450 students was mentioned, although it was unclear whether this referred to all students, or only Master's students, and how many of these were full-time or part-time. As already mentioned, any provision at Master's or Doctoral levels seemed to be dependent upon US collaboration. The quality of the US institution involved was not clear. The governance of the institution was described in a way which raised a number of issues. The private university shareholders appeared to include US companies, and there are other private investors who were not specified. The Board of Trustees includes a number of former government ministers, and indeed one of the senior staff interviewed had this background. The interviewees conceded that their institution does not attract the best students. They argued that the best students go abroad or to the public universities. Therefore, they recruit students with 'average marks' from high school, and recruitment seemed low, with a figure of 80 enrolments being mentioned. More widely, the interviewees conceded there are significant problems with the private university sector as a whole. They highlighted internal inconsistencies within the sector, particularly that many private HEIs are not really universities at all, especially in not providing Master's and Doctoral

programmes. They also mentioned that mergers are probably necessary in the private higher education sector.

3.4 Some Summary Comments on General Issues with Private Education

There is some evidence of good quality aspects within Albanian private education. For example, there appear to be individual private schools which are well-led, with good staff and physical resources, and committed to good practice in student behaviour management and assessment. There also appear to be private HEIs genuinely aspiring to approaches and levels of activity which would be recognised as at university level by contemporary international and European standards, such as the Bologna Process.

However, it is clear that standards are very inconsistent in Albanian private education. There appears to be evidence of variable standards in private schools. Reasons may include the quality of staff, the ability levels of the students, and the appropriateness of behaviour management and assessment strategies and procedures within the schools. The experts hold concerns especially over the quality of private higher education. Specifically, there appears to be a fundamental issue around university status of any Albanian private HEIs. It seems clear that many private HEIs are describing themselves as ‘universities’ and should not be doing so. Even apparently stronger institutions seem very small by contemporary European and wider international standards. The small size of even well-organised institutions suggests that they are too small to achieve the critical mass of research and scholarly activity necessary for a modern university, and too small to provide a genuinely university experience for students. In addition to these shortcomings against international standards, there seems real confusion over private HEIs meeting the Albanian Government’s own criteria for university status. These criteria will be explored further in Section 4. While the experts noted a general lack of clarity around these criteria in interviewing, the criteria definitely seem to include the need to offer programmes at all three cycles of the Bologna Process. The experts

were not convinced that even the stronger private ‘universities’ were achieving this fully at Master’s and Doctoral levels.

Across both private schools and HEIs, there is also the issue of the economic basis of private education. It is clear that fee levels are very high for both private schools and ‘universities’, and the experts were not convinced that any scholarship schemes significantly compensated for this. The Albanian Government needs to debate its position on the potential impact within and beyond Albania of a sector which may be seen both domestically and internationally as a distortion of educational aims and values by business imperatives, and privileging the wealthier members of society. If fees are high *and* automatically guarantee a diploma to those who pay them, the distortion is much more serious, and could underpin a system in which the wealthy ‘buy’ educational qualifications for their children and perpetuate inequalities – a situation with far-reaching negative consequences for Albanian society as a whole.

The general implication of this wide range of issues is that existing quality assurance mechanisms for the licensing, regulation and inspection of private educational institutions are not having the necessary impact. This will be explored in more detail in Section 4.

Recommendation 2: The Albanian Government must ensure that any system developed and implemented for the licensing, regulation and inspection of private educational institutions addresses the existing quality weaknesses in Albanian private education. These include: inconsistent standards across private schools, with weak practices and approaches in some; standards in private higher education which generally do not match contemporary European and wider international benchmarks; unclear public understanding of the criteria for university status, with many HEIs making inappropriate claims to university status; and the general threat to social cohesion and international reputation associated with the perception that much of Albanian private education operates as a ‘business’ in which those with money can simply buy qualifications.

Timescale: Full review of the system of licensing, regulation and inspection during the autumn and winter of 2011, and the spring of

2012, so that a Government publicity campaign can be launched in spring 2012 to emphasise to the Albanian public and the relevant international audience that the existing quality weaknesses in Albanian private education will be robustly addressed.

4 THE LICENSING, REGULATION AND INSPECTION OF PRIVATE EDUCATIONAL INSTITUTIONS

This Section will now consider and evaluate the details of the current system for the licensing, regulation and inspection of private educational institutions in Albania, and make recommendations for its improvement. Evidence in this Section comes from detailed interview comments, review of relevant parts of documents used in the earlier overall Risk Assessment, and review of additional documents provided by the MoES to the PACA team specifically in relation to private education. As background to this Section, Government documents appear to use the following acronyms for key national organisations involved in the licensing, regulation and inspection of private educational institutions:

DPED or DDPE: DPED is the Directorate of Private Education Development, also described by some stakeholders as the Directorate for the Development of Private Education (DDPE); when the experts visited the MoES, this was referred to as the Private Education Institutions Department

NIPE or NIUE: NIPE is the National Inspectorate for Pre-University Education, also described as the National Inspectorate of Undergraduate Education (NIUE) (see Ministry of Education and Science 2010d for use of the latter term)

NLC: NLC is the National Licencing Centre

PAAHE: PAAHE is the Public Agency of Accreditation for Higher Education

4.1 Detailed Interview Comments on Licensing, Regulation and Inspection

Officials from the Ministry of Education and Science

Ministry officials emphasised the separate role of the NLC in actually issuing licences to private educational institutions. They stressed that the Ministry is not directly involved in evaluating the quality of institutions, with this undertaken by NIPE. They emphasised that PAAHE covers both public and private universities. As will be discussed in Section 4.3, detailed analysis of procedures indicates that the position of the Ministry (and the Minister) is not as clear-cut as these comments would suggest, and that it is not clear whether there is an appropriate 'separation of powers' between the Minister, the Ministry and supposedly independent organisations. It is also not clear why there are several different bodies involved in licensing, regulation and inspection, and whether the current number is appropriate.

Private High School Principal

The private high school principal commented extensively on licensing and associated issues. The principal said that the criteria for licensing are fair and sufficient. However, he did have significant criticisms of the licensing process. He identified problems with delays at the Ministry, citing his own recent experience of requesting a 9-year licence. As he described the process, the private school submits documents to the NLC. After its own initial checks, NLC sends documents to the Ministry for feedback. Delays then occur at the DDPE, with small technical problems being picked up with the documentation, although the principal suggested these were being raised not so much by DDPE officials themselves, but by curricular experts within the university sector with whom the DDPE consulted. The principal emphasised that these delays at DDPE must be addressed. However, more generally he argued that the real problems with the private school sector occur after licensing. He was particularly concerned that the on-going quality assurance procedures do not deal with the systemic weaknesses around private schools being run as businesses

rather than educational institutions, with principals who have no educational background, and with poorly-paid teaching staff who have 'lower levels of professionalism'. On quality assurance, he described a system where annual reports are sent to the Regional Education Directorate (RED), but it has no competence to inspect schools, which rests with NIPE. The principal described a confusion over responsibilities here. NIPE inspects and evaluates schools, but the RED also reports on schools without having the statutory inspection powers of NIPE. The principal referred to the recent inspection of his school by NIPE. He said that NIPE had been very thorough in looking at documentation, but had only been concerned with documentation, and not interested in other forms of inspection evidence and methodology. For the future, the principal advocated that NIPE should continue to inspect for 'major problems'. However, he argued strongly that inspection centres should be restored within the RED because these are closer to the schools, and could carry out inspections at least once a year (the principal indicated that these RED inspection centres had existed until 18 months ago, and he was critical of the dismissal of these experienced inspectors).

Senior Private University Staff

The senior staff at the private HEI described as an university also commented in detail about on-going external Government quality assurance of higher education. They expressed major concerns over this. They admitted that they themselves are sometimes perplexed by legislation on higher education. The senior staff referred to a law of July 2010 on higher education which had made good progress with certain issues. They indicated that the previous law had lacked clarity. In particular, institutions had been permitted to progress from Bachelor's to Master's provision without having to demonstrate they had the necessary qualities to do so. They described this system as not in compliance with the Bologna Process. They said that the amended Law of July 2010 has created a more appropriate approach to the criteria for offering the second level cycle of Master's provision. However, they stated that there is still a problem with institutions already considered 'universities'

offering Master's second cycle programmes which do not meet the new criteria of the amended Law. More generally, the senior staff complained that 'nobody will close' an unsatisfactory institution.. They said that the accreditation agency reports negatively on an institution, but the institution continues to operate.

4.2 Relevant Detail from Documents used in the main Risk Assessment

Reviewed Law on Pre-University Education, May 2010 (Ministry of Education and Science 2010a)

The experts were provided with the May 2010 Draft Law on Pre-University Education. This Law, when finalised, will be the major legislation governing Albanian school education. Therefore, it is important to analyse the position of private schools specifically, relative to the Law. This version of the Reviewed Law states at Article 2 (j) that conformity with the Law is required by public institutions and 'private institutions financed at least partly through tuition fees paid by students' parents or legal representatives', and at Article 3 that 'All articles of this law apply equally to public and private educational institutions unless it is stated differently'. While this seems to establish clearly that the Law applies to private schools, this may not be entirely straightforward for all aspects of the Law, given the 'unless it is stated differently' phrase in Article 3.

There are clearly parts of the draft Law directed specifically towards private educational institutions. For example, Article 7 includes a definition of private school. Tuition fees for private schools are mentioned in Article 46. Article 102 discusses the transfer of students between public and private schools.

Chapter XVIII, Articles 103–113, on the 'Opening and closing of institutions for Pre-University Education', applies very extensively, but not exclusively, to the specific position of private schools:

- In general terms, Article 103 includes the definition of criteria for the opening of 'non-religious private educational

establishments' within the powers of the MoES, and Article 104 includes private schools within the Ministry's powers of approval for opening and closing of establishments.

- Presumably, Article 108 'On Criteria for licensing institutions of Pre-University Education' details the procedures which apply to the licensing of private schools, and it is particularly interesting to note that the criteria for licensing are specified by the Ministry, but it is stipulated that 'Final approval of licensing shall be awarded by the National Agency for Institutional Licensing [the experts take this to be a reference to the NLC] following a recommendation by the Ministry of Education and Science'.
- Similarly, Article 110 states that the 'National Agency for Institutional Licensing' holds the powers of 'negation or cancellation' of licences, on the recommendation of the Ministry.
- Somewhat confusingly, on the other hand, Article 109 states that 'Licenses for the operation of an educational institution shall be issued by the Ministry of Education and Science'.
- However, Articles 112 and 113 are very clear that opening of a private education institution not consistent with the Law is an offence, with specified fines and lengths of time for the 'negation of future licensing'.
- Finally, Article 115 covers the licensing of 'private supplementary education institutions'.

In summary, these parts of the Law clearly apply to private schools, although there may be some lack of clarity on the respective roles of the Ministry and the NLC for private school licensing.

On the other hand, there is ambiguity about the extent to which other aspects of the Law apply to private schools. The experts' view is that further clarification is needed on the following questions:

- Within Chapter XI, 'On Evaluation of Schools' Performance', does Article 61 on the monitoring and evaluating of

achievements of schools and personnel apply identically between public and private schools?

- More specifically, does the system for using examination results to evaluate and rank school performance (Articles 62 and 63), and the consequent review of school syllabi and curricula (Article 64), apply to private schools as well as private schools?
- Does Chapter XIII, 'On School Governance and School Management' apply only to public schools, e.g. is there no requirement for a private school to have a School Board, as described in Article 76?
- Do any of the details of Chapter XIV, 'On the School Principal', apply to principals of private schools, e.g. do Articles such as 79, 80 and 82, on qualifications, training and licensing, and performance criteria apply, but Articles such as 78 (a), 83, and 84, all of which specify roles for Local Government, do not?
- Regarding Chapter XV, 'On Teachers', do the requirements on teachers' qualifications (Articles 87 and 90), and evaluation of teachers' performance (Article 92), apply to teachers in private schools, as well as public schools?
- On Chapter XVI, 'On Inspection', if the details on the powers of the national agency (the experts assume this to refer to NIPE) apply to private schools, what is the relevance to private schools of Article 96 (on local government inspection)?

The experts wish to underline that a much more explicit and transparent set of statements is needed to clarify the precise applicability to private schools of provisions of the draft Law such as those mentioned above.

The Draft Teachers' Code of Conduct and Its Regulatory Mechanism (Open Society Foundation for Albania 2008); Basic General Standards For Teachers (Ministry of Education and Science 2010b)

Both of these documents were discussed in the Risk Assessment. The Assessment stressed the need for the Albanian Government

to confirm that these draft documents will be developed into more positive professional codes of ethics and standards, and that such codes and standards will be embedded into the Albanian public education system through high-profile awareness raising campaigns among all relevant stakeholders. In the current context, it is vital that such codes and standards, when implemented, unambiguously apply to private schools as well as public schools. This is not clear in the current documents. Regarding the draft Teachers' Code of Conduct, while the Introduction refers to issues within public schools specifically, Part I Section 2 ('Scope of Action') does state that the document applies to 'teachers working full- or part-time in public or private pre-university education institutions'. As a method of ensuring the long-term implementation of the Teachers' Code of Conduct, the draft Code suggests an addendum to the Pre-University Education Law. However, it is not clear how the details then proposed as an Appendix to the Pre-University Education Law would incorporate private schools. These propose implementation of the Code of Conduct at local level by Teachers' Conduct Commissions. Suggested membership of these Commissions clearly includes representation of the public school sector through RED appointed teachers, and trade union representatives, but the position of the private school sector is not clear. Regarding the Basic General Standards For Teachers, there is no specific reference made to private schools in this document, although the experts see no reason why the document's details should not apply to private school teachers (indeed, they would positively encourage this). Again, the underlying point is that more work will need to be done to ensure that teachers' professional Codes and Standards apply equally to private schools, once they have been fully established for public schools.

***State Quality Standards Of Higher Education Institutions (HEI)
(Ministry of Education and Science 2011a)***

The experts assume that this document is the key overall statement on HE quality standards covering both public and private HEIs. However, it is not specifically stated that this document applies to private institutions, as well as public institutions. Indeed, there

is one reference which implies the document refers specifically to public institutions: Chapter III (Management), Section VI (Financial Management), Standard VI.2, Criterion 4, states that ‘The rules of financial administration of higher education institutions are similar to those of other public institutions.’ There is also one specific reference to private institutions: Chapter III (Management), Section I (Autonomy), Standard I.2, Criterion 14, states that ‘internal organisation and control at non-public higher education institutions is made in compliance with the specifications in the statute and internal rules’. However, the general assumption being made here by the experts is that all the other details of the document should be applied both to public and private HEIs.

If it does apply to private HEIs, the document raises a number of concerns over the questionable status of many Albanian private HEIs, especially those which describe themselves as universities. Concerning the criteria for institutions to qualify as HEIs, Chapter I (Programme of Study), Section I (Provision of Programmes of Study), Standard I.8, Criterion 5, states that ‘Permanent staff must cover at least 60% of the academic workload for each academic programme’ (this refers to first cycle programmes). Standard I.9 states ‘The programmes of study of the second cycle rely on research and cooperation with the industrial and economic world’. For example, Criterion 1 states that ‘The pedagogues engaged in scientific-research activities constitute the majority of the academic staff’. Chapter II (Scientific Policies), Standard I.3, Criterion 3 refers to the institution organising ‘international conferences or activities in the area of scientific research’, and Criterion 7 to ‘The scientific research works of the academic staff’ being published in ‘international scientific journals’. Standard I.6, Criterion 4, refers to ‘effective integration of doctorate students in the scientific research teams’. All of these criteria suggest staffing requirements, and levels of scholarly and research activity, which the experts judge will not generally be met by most Albanian private HEIs.

More specifically on universities, Chapter III (Management), Section II (Organisation of Higher Education Institutions), Standard II.1, Criterion 5 states that a University must offer ‘programmes of study

for the three cycles and consists of at least two faculties'. Criterion 11 continues 'Each faculty consists of at least three...units, of which two departments', with Criterion 12 stating that a department 'must consist of at least 7 effective members as academic staff'. Criterion 13 states that the institution 'must have at least 3000 students who continue studies in the first and second cycle'. However, even here, the word 'university' is only used specifically in Criterion 5 – so that, while Criteria 11, 12 and 13 should apply to universities, they may also apply to other HEIs.

Universities are contrasted with 'Academies' offering higher professional education and recreational activities, possibly for the three cycles, and 'High Schools', offering higher education in the first cycle, and possibly applied scientific research (see Criterion 6 and Criterion 8). Even Academies and High Schools are required to have at least two faculties. Additionally, 'professional colleges' offer 'programmes of study of the first cycle in some areas' (Criterion 9). Once more, these criteria for scale and level of activity suggest to the experts that generally Albanian private HEIs do not meet the criteria for university status, and may even struggle to meet the criteria for higher professional education 'Academy', higher education 'High School', or 'professional college'.

Chapter III (Management), Section I (Autonomy), details approaches to governance of HEIs. For example, these specify particular roles for an 'administrative council' in relation to the 'administrative, financial, economic management' of the HEI and 'its assets' (Standard I.2, Criterion 6). It is not clear precisely how such approaches sit with the information provided in interview with senior private university staff about the role of shareholders within private HEIs.

Again, the general point from the above analysis of this document is that the Government's own documentation appears to provide sufficient detailed definitions of criteria for HEI status for those aspiring to university status. These should ensure both a clear understanding of what is required to be a university, and a general

recognition that many of the HEIs currently claiming such status should not be doing so because they clearly do not meet many of the criteria. In other words, the issue is largely the implementation of legal positions, rather than any deficiencies in the underlying legal documents themselves.

4.3 Details from the Additional Documents provided on Licensing, Regulation and Inspection

Decision No. 248 (dated 28.05.1999) on 'Non-Public' Religious Subjects and Foreign Language Educational Institutions (Ministry of Education and Science 1999)

This is a rather dated document, and it is not clear to the experts if it is still the most current document applying to these specific categories of private educational institutions. On the assumption that it is, the document is largely formal. However, the following two sections may be of more general interest. In par. 2 (h), the relevant institutions are required to provide the Ministry with 'The teaching plan and programmes the institution plans to carry out'. In par. 2 (j), it is noted that the relevant institutions must use for 'compulsory subjects' the same textbooks as used in public schools. In summary, this document seems to secure private religious subjects and foreign language schools within the Government's regulatory framework for private schools more generally.

Decision On The Creation Of The National Inspectorate For Pre-University Education (Ministry of Education and Science 2010c)

This document confirms the establishment of NIPE. The document makes some reference to the links between schools and public education 'managing structures', specifically regional education directorates (REDs) and education offices (EOs) (par. 2 and 6b). However, while the document makes no direct reference to private schools, the experts are assuming that NIPE's main functions, as listed in par.6, are to be carried out for private as well as public schools. If so, this is positive in that these functions seem comprehensive and include inspecting the school's 'learning-educative process development' and 'material-didactic base' (par.6a), monitoring

the implementation of its 'normative dispositions, code of ethics, teachers' ethics' (par.6c), and inspecting its approach to the State Matura and school leaving exams (par.6d). The document should include an unambiguous statement that its provisions all apply to private, as well as public, schools. Additionally, the document emphasises that NIPE is subordinate to the Ministry, that the Chief Inspector is appointed by the Minister, and Inspectors are in turn appointed by the Chief Inspector (par. 1, 3 and 4). These points raise the question of whether NIPE is sufficiently independent of the Minister and the Ministry, and therefore secure from inappropriate political interference and influence.

Regulation Of The National Inspectorate For Pre-University Education (NIPE) (Ministry of Education and Science 2010e)

For the purposes of this paper, there are two ways to approach this document. Firstly, the document makes it clear that NIPE's powers extend to private schools as well as public schools. Article 2 states that NIPE's 'Mission' is quality improvements to education services for 'all pupils in pre-university education'. Article 5 establishes that NIPE's 'Scope Of Activity' involves inspecting 'public and private institutions, secular and religious, as well as complementary pre-university institutions'. On the other hand, for the experts, other parts of the document continue to raise questions previously discussed about the somewhat ambiguous role of local government in relation to private schools. Article 10 refers to NIPE sending inspection reports to the 'RED/EO on their inspection as well as inspection of all schools under their jurisdiction', and to 'mayor's offices/municipalities regarding on all schools under their jurisdiction'. Does this apply to private schools in the geographical area of the RED/EO/mayor's office/municipality, or not? Article 21 states that 'schools which will be inspected are selected by lot'. Are private schools included in this process?

Secondly, having established that NIPE's powers extend to private schools, it should be noted that these powers generally seem extensive and appropriate in terms of current international approaches to school inspection for quality assurance and enhancement. For example, there is the underlying emphasis on

quality improvement (see Article 2 above). This is reflected in the requirements for institutional reports. For example, Article 11 (c) indicates the report covers ‘what the institution performs well and how it may improve’, and Article 11 (e) also refers to ‘how much the institution has improved’. The inspection methodology includes direct observations, questionnaires and conversations, and review of documents (Article 21). Article 23 provides a positive statement of NIPE’s commitment to professional and public ethics in the organisation’s work. Article 24 details clear sanctions which can be imposed on institutions whose inspections indicate unsatisfactory performance or approaches. These sanctions can include proposing to the Minister that a school closes, and the Chief Inspector filing ‘penal charges’.

However, the document also confirms the point made already about the relationship between the Ministry and NIPE. Article 13 confirms that ‘The Minister appoints or discharges from duty the Chief Inspector’. This Article also confirms that the Chief Inspector has similar powers over inspectors. On the other hand, Article 17 states that the Minister ‘does not interfere in NIPE’s daily management or its professional decisions’, and Articles 14,15 and 16 describe a clear career structure for inspectors, with entitlements to professional development and criteria for appointment.

In summary, this document generally would seem to outline an appropriate basis for inspection of schools, including private schools, although there may be the need to do further work on clarifying the role of local government relative to NIPE on inspection, and on achieving secure independence for NIPE from inappropriate political interference by the Minister and the Ministry (e.g. by ensuring a fully transparent appointment process to inspector posts based on the personal and professional strengths of applicants, not political connections, and an independent appointments board within NIPE). If inspection of private schools is not yet effective, this would suggest that the general problems lie in implementing the inspection procedures of the NIPE system, rather than in any inherent limitations of the procedures themselves.

On The Criteria And Procedures For Processing Of Licensing Applications Of Private Educational Institutions And Private Complementary Undergraduate Educational Institutions (Instruction 33 of 1 November 2010) (Ministry of Education and Science 2010d)

As was noted in the References List of the general Risk Assessment (PACA April 2011: 51), certain translated Albanian Government documents provided to the experts through the PACA team use the term 'Undergraduate' to refer to pre-university, i.e. school, education. Therefore, this document is the key document detailing current procedures for the licensing of private schools.

The document confirms that applications for a licence are originally received at DPED. However, DPED can only refuse the application if 'the initial processing finds missing documentation' (Chapter I, par. 1.). DPED passes documentation to the NLC, which appears to be responsible for detailed processing. There is a comprehensive list of the documentation required. Much of this relates to the physical condition of the institution's proposed buildings, and its financial arrangements, but more specifically educational matters are covered such as curricula and syllabuses, lists of text, and staffing details (Chapter I, par. 3 and also par. 4-5 on the standards required of buildings).

However, if this documentation has been processed by NLC, DPED then seems to return as a decision-maker. Specifically, DPED considers curricula, syllabuses, and text lists, and 'approves or refuses the application for licence' (Chapter I, par. 6). The DPED decision is then forwarded to NLC (Chapter I, par. 7).

Chapter I, par. 8 appears to be a genuine attempt to prevent undue delay in making decisions on applications, e.g. by stating that failure to send a decision (presumably from DPED to NCL) within two weeks 'is considered silent approval.'

Chapter I, par. 9 is somewhat puzzling to the experts. The actual right 'to close or suspend the temporary activity for one calendar year' of an institution 'is vested in the NLC', although this is 'upon request of the subject itself', or 'on proposal' of the Ministry.

In general, while a full process of initial licensing is detailed here, the experts remain unclear on the precise relationship between the DPED and the NLC, and on the underlying reasons why a general business licensing agency such as the NLC needs to be involved in the licensing of specifically educational institutions at all.

The on-going position of the private school is dealt with in Chapter III. Interestingly, there is a requirement to submit annual reports to the RED/EO covering pupil and staff numbers, curricula and syllabuses, taxation status, and extracurricular activities offered by the school (par.1a).

Par.1b continues by indicating that the institution must ask for approval for a range of types of changes, including to curricula, syllabuses, texts, educational experiments and projects, location etc. It is not clear whether this permission is to be sought from the Ministry or the RED/EO. However, this is subsequently clarified in Chapter IV. This makes clear that changes are 'processed and approved' by the NLC, after 'the approval' of the DPED (par.1 and 2).

Inspection and 'Suspension of Licence' is dealt with in Chapter V. Par.1 makes clear that the Ministry and NIPE (referred to as NIUE in this document) are involved. If 'violations' are found during inspection, requirements are set which must be fulfilled within a defined deadline. If these requirements are not fulfilled, it appears that the Ministry or the Inspectorate then refers the situation to NLC. NLC seems to be the body which has the power to suspend or revoke the licence, although the document appears to refer only to suspension, not revocation (see par. 2-6). NLC informs the Ministry, REDs/EOs, and NIUE (NIPE) of suspensions.

Once again, the experts would question the role of the NLC in these processes, and suggest that the respective roles of the Ministry and NIPE should be clarified further.

Procedures and Documentation for the Opening of a Private Higher Education Institution, Programmes of Graduate Studies in the

First and Second Cycle, Programmes of Non-Graduate Studies, of Professional Nature and Procedures for Suspension and Revocation of License (28.02.2011) (Ministry of Education and Science 2011b)

This document appears to be the key document detailing the procedures for licensing, regulating and inspecting private HEIs. The document makes clear that the initial application for a licence to open a private HEI is submitted to the Ministry, and there is a comprehensive list of aspects to be covered in this documentation (e.g. long-term educational, research and development activities; financial resources; curricula and syllabuses; any collaborations with local or foreign HEIs; academic staff details; report on planned premises) (see Chapter I, par.1). The DPED is then given one month to evaluate the completeness of the application, and can also give the applicant one further month to make good deficiencies. DPED can then refuse an application which fails to make good any deficiencies.

Applications which proceed then move from DPED to PAAHE. After PAAHE's evaluation, the application moves to the Accreditation Council. The Accreditation Council then returns the application, with a positive or negative evaluation, to DPED. The Minister refuses applications which have received a negative evaluation from the Accreditation Council, although the Minister can re-consider on appeal from the applicant. Applications which have achieved a positive evaluation are taken by the Minister to the Council of Ministers for final approval. Once licensed, the institution must submit certain additional documentation to the Ministry before the beginning of its first academic session. Strict time limits are stated within which DPED, PAAHE, the Accreditation Council, and the Minister must complete their various roles in this process. (See Chapter I, Section B, par.1-8).

This appears to provide a systematic approach to initial licensing, including the incorporation of safeguards against undue delays. However, the experts would comment on a number of issues here. This core documentation does not explain the nature of PAAHE, or the composition of the Accreditation Council. Therefore, it is difficult to judge the relationship between and the respective roles of

i) DPED in relation to PAAHE, and ii) the Accreditation Council in relation to PAAHE. Consequently, it is not clear if the involvement of so many separate organisations is a positive ‘balance of powers’, or a negative ‘unnecessary duplication’. It is also notable that there is no reference to the NLC in the HE licensing process, yet the NLC seemed so central to the school licensing process. There also remains the underlying issue of whether the powers of the Minister and the Council of Ministers in this process create the risk of inappropriate political interference. The Albanian Government needs to clarify all these issues.

Chapter II deals with the opening of a new programme. This describes a process very similar to the process described above for the initial licensing of an institution. The ‘Academic Senate’ of the HEI submits documentation to the Ministry, where it is considered by DPED. From DPED, the proposal proceeds to PAAHE, and from there to the Accreditation Council. Interestingly, provision is made for the Accreditation Council to engage external experts at this stage. The proposal then returns to DPED, when the Minister is then involved in approving or refusing the proposal, based on the positive or negative evaluation from the Accreditation Council. (See Chapter II, par. 1-11)

Rather similarly, Chapter III describes the equivalent process for approval of a programme re-organisation. Once again, the application is submitted to DPED. It then proceeds to PAAHE and the Accreditation Council, and returns to DPED for the Minister to confirm the final decision. As with new programme proposals, the Accreditation Council makes use of external experts at its stage of the process. (See Chapter III, par. 1-5)

Again, for new programmes and programme re-organisations, the experts would make the same comments as for initial licensing on the role of DPED, PAAHE, the Accreditation Council, and the Minister. In addition, there will need to be transparency on the appointment of external experts for new programmes and programme re-organisations. This will be necessary to ensure that appropriate

criteria, based on qualifications and merit, are used for appointment, not inappropriate patronage which may distort due process.

Chapter IV deals with the on-going obligations of private HEIs once licensed. Section A, Par.1, makes clear that private HEIs function on the same rules as public HEIs, 'except for the cases foreseen by law and subordinate legal acts'. Specific obligations of annual reporting to DPED are detailed, including submitting statistics on student performance. (See Section A, par. 2, and Section B, par. 1-2)

Chapter V deals with Inspection. Section A, par. 1 states that private HEIs are 'subject to regular inspection by MES, PAAHE and AC at least once a year'. Section B, on 'Suspension, removal of the licence', indicates that the Ministry has powers to suspend or remove licences if failures or 'violations of obligations' are found during inspections, although there seems to be more emphasis on suspensions (e.g. 'for up to two years') than removals. Interestingly, among the 'violations' highlighted are 'fraud, forgery of documents, provision of untrue information', 'fraud in drafting/concluding contracts, untrue or distorted claims in advertisement' (see Section B, par.2ab).

On one level, Chapters IV and V would appear to provide a clear underlying position from which to ensure the on-going quality assurance of private HEIs. However, there is a significant lack of detail on how Inspection will be carried out. For example, it is not clear how the three organisations involved (the Ministry, PAAHE and the Accreditation Council) relate to each other for Inspection purposes. While the content of annual reports from the HEIs is specified, the methodologies for Inspection are not. For example, do these include visits? If so, is there direct observation of teaching? Generally, there is a lack of detail on exactly how the Ministry moves from negative inspection findings to the actual suspension or removal of the licence of a private HEI, and on how it is established that an HEI which has had its licence suspended has subsequently met the criteria for the licence to be restored. The Albanian Government needs to provide further clarification on such details.

It is also interesting to note the 'Final Provisions' Section in this document. This refers to the significance of an amended higher education law of July 2010, and discusses the need for the Council of Ministers to review and approve private HEI applications positively assessed before July 2010, and the need for the new processes to be applied 'with priority' to applications lodged before July 2010, but not yet considered. This implies a 'back-log' of applications prior to that date, for which there will have to be a 'catch-up' exercise.

There are also a number of interesting Appendices to this document. Appendix 2 is particularly valuable. This Appendix is entitled 'Of Instruction On Definition Of Procedures And Documentation To Be Submitted By The Legal Entity On Opening Of A Private Higher Education Institution Or Programmes Of Study In The First Cycle And Second Cycle Of Study'. This Appendix appears to confirm the key criteria/standards which must be met for an institution to be entitled to HEI status, and is therefore particularly relevant to the debates highlighted earlier on whether a large number of institutions are falsely claiming 'University' status. Section A, par. 1a-c confirms an HEI must have at least 2 faculties, with each faculty having at least 3 'basic units' 'which group similar or intertwined academic disciplines and which include respective research areas', and each 'department' must have at least 7 members of academic staff. Section B stipulates the ways in which first cycle programmes must correspond to the European Credit Transfer System (ECTS). Section C makes similar stipulations for second cycle programmes. Specifically on staffing, Section C requires that 'the staff responsible for each subject/module must hold the scientific title "Doctor"' (par.14), and 'at least 70% of the academic staff responsible for the requested programme must be employed staff in the institution' (except where there is an international collaboration) (par.20). The content of this Appendix confirms the applicability of earlier comments about the issue of university status and HEI status more generally, i.e. the problem is not so much a lack of appropriate definitions, as the failure to apply these definitions rigorously in practice.

It is also interesting to note Appendix 4, which details the minimum requirements to be included in the contract which should be in place between the student and the HEI. While much of this relates to payment issues etc., it is also stated that the contract must include ‘the amount of credits for each programme of study’ (par.1). This is a very helpful document in underpinning quality of provision in private HEIs, if its use is enforced, and its terms observed.

Finally, Appendix 5 is of interest. This appears to be an attempt to provide a basis for formally recording the part-time employment by one HEI of staff who are in full-time employment at another HEI, and specifically requires the signature of the Rector of the institution which employs the member of staff full-time. Again, if its use is enforced, and its terms observed, this document should be helpful in addressing potential abuses around full-time staff at an HEI giving insufficient time to their duties at that HEI because they are spending too much time in part-time employment at another HEI.

4.4 Summary Comments on the Licensing, Regulation and Inspection of Private Educational Institutions, with Recommendations

This sub-section summarises key problems in the system for licensing, regulation and inspection of private educational institutions which have emerged from the above analysis of evidence. Associated recommendations are made to address these issues. The sub-section deals with private schools first, followed by private HEIs.

The Licensing, Regulation and Inspection of Private Schools

There is a lack of clarity on whether fundamental legislation governing the general Albanian pre-University school system applies explicitly to private schools. For example, there are aspects of the Reviewed Law which need clarification in this respect, including those relating to evaluation of school performance, review of school syllabi, the role of school boards, the conditions for the appointment and performance evaluation of school principals and teachers, and approaches to school inspection (and this need to include private

schools explicitly applies to all core national documentation on school inspection). If a Teachers' Code and Standards are established for teachers within Albanian public schools, the relevance of these must be established clearly for private schools also.

Recommendation 3: The Albanian Government should review all core legislation covering the pre-university school system to ensure that it is unambiguously clear which provisions of the legislation apply to private schools and which do not. For example, it should be made clear which regulations govern private schools regarding the evaluation of school performance, review of school syllabi, role of school boards, conditions for the appointment and performance evaluation of school principals and teachers, and procedures of school inspection.

Timescale: Relevant legislation reviewed during 2011 and spring 2012, with any required amendments to legislation completed by summer 2012, so that they are in place for academic session 2012-2013.

Recommendation 4: When the Albanian Government establishes a Teachers' Code of Ethics and Standards for Albanian public school teachers, it should ensure that the Code and Standards are also fully binding on teachers within private schools.

Timescale: Teachers' Code of Ethics and Standards legally confirmed by spring 2012, so that these can be implemented for teachers in public and private schools by academic session 2012-2013.

While a detailed system has been established for the initial licensing of private schools, this system may be too complex and subject to unnecessary delays. In particular, the joint involvement of the DPED and the NLC needs further review, and the reason for the involvement of the NLC is not clear to the experts. If this is to continue, the NLC's involvement in specialist education decision-making on the licensing of schools should be explicitly and clearly justified, as it appears that a case could be made for this decision-making resting solely with the education specialists in DPED. At a minimum, the precise difference between the roles of DPED and NLC in any licensing system needs to be clarified further. The involvement of two organisations may also increase opportunities for corruption or other inappropriate conduct in the licensing process. It should be noted in this context that the NLC does not appear to be involved in the licensing of private HEIs.

Recommendation 5: The Albanian Government should review the system for the initial licensing of private pre-university schools to ensure that the system avoids unnecessary bureaucratic processes, with the potential for associated delays, and increased opportunities for inappropriate conduct (including corruption) in the licensing process. In particular, the Government should provide a transparent description of the role of the NLC in this area of specialist educational decision-making, and - if the role of the NLC is to continue - make a clear case for (i.e. justify) the NLC playing a role in addition to the DPED.

Timescale: The system for initial licensing to be reviewed from autumn 2011 to spring 2012. Any amendments to the system should be made by summer 2012, so that they are in effect by academic session 2012-2013. If the role of the NLC is not altered, the required explanations for this should be publicly available by spring 2012.

Detailed documentation has been produced on the role of the relatively new NIPE in the inspection of all Albanian schools, both public and private. There are aspects of detail which could be clarified further for private schools, e.g. exactly how local government, and the REDs specifically, relate to or interact with NIPE on the on-going quality assurance of private schools (with some views expressed to the experts that RED inspection needs to be restored to former levels to complement NIPE inspection). The independence of NIPE from the Minister and Ministry may also need to be more fully established. However, the main issue with NIPE appears to be the need for this new organisation to engage fully and quickly in implementing its inspection procedures for private schools, rather than any intrinsic deficiencies in these procedures. In particular, there is then a need to clarify how negative findings in NIPE inspection subsequently lead to licences being suspended or revoked, and what role precisely in this process is performed by the Ministry and the NLC.

Recommendation 6: The Albanian Government should review the position of NIPE relative to the Minister and Ministry of Education and Science, to ensure that NIPE is able to operate as a genuinely independent inspection body for both private and public schools.

Timescale: The position of NIPE to be reviewed for these issues from autumn 2011 to spring 2012, so that any necessary adjustments to

NIPE's position are made by summer 2012, and are effective from academic session 2012–2013.

Recommendation 7: The Albanian Government should clarify further the relationship between NIPE and local government, specifically the REDs, in the quality assurance of private schools. In particular, the Government should ensure there is appropriate complementarity of roles between NIPE and REDs, and sufficient use of expertise available within REDs, to ensure that quality assurance of private schools is as robust as it is for public schools.

Timescale: The review of the role of local government and the REDs in private school quality assurance to take place from autumn 2011 to spring 2012, so that any necessary adjustments to the REDs' role are made by summer 2012, and are effective from academic session 2012–2013.

Recommendation 8: The Albanian Government should ensure that NIPE's inspection procedures are applied systematically across the private school sector, and clarify exactly how negative NIPE inspection findings lead to the suspension or revocation of private school licences and what precise role is played by the MoES and the NLC in this process.

Timescale: Private school inspection procedures to be reviewed for the use of negative findings in relation to the suspension or revocation of licences from autumn 2011 to spring 2012, so that any amendments to procedures are made by the summer of 2012, and are effective from academic session 2012–2013. A clear Government plan should be produced by autumn 2011 to explain how all private schools will be inspected between autumn 2011 and summer 2013.

The Licensing, Regulation and Inspection of Private HEIs

Extensive and detailed documentation exists describing the system for initial licensing of private HEIs. This includes specific criteria which, if applied, would ensure that any Albanian HEI aspiring to university status operates according to approaches and standards consistent with contemporary European and wider international benchmarks, especially those within the Bologna Process. These include criteria associated with ensuring appropriate 'critical mass' of student numbers, staff numbers and qualifications, and scale and level of research and scholarly activity, as well as specific requirements to offer the three Bologna cycles of Bachelor's, Master's, and

Doctoral levels. The problem, however, is that although the criteria exist, they do not appear to be applied in practice. Therefore, a very large number of private institutions exist in Albania which describe themselves as universities, but are clearly not, in terms of either the Albanian legal criteria or the European and wider international benchmarks from which these criteria are derived. Certainly, there is a need to clarify this for university status specifically. Some of these institutions would likely not even meet the criteria for less demanding HEI categories such as 'Academies', higher education 'High Schools' or 'professional colleges'. These fundamental problems present a major threat to the credibility of the Albanian education system in international perceptions.

These problems may be linked to weaknesses in the licensing system. As with the licensing system for private schools, there appears to be the potential for unnecessary bureaucratic duplication and elaboration, creating multiple opportunities for inappropriate conduct to distort due process. There needs to be clarification on the precise nature of the respective roles of DPED, PAAHE and the Accreditation Council, and the relationship between these bodies. The experts were not able to obtain a clear understanding of the composition of PAAHE or the Accreditation Council, and there also needs to be transparency on the role of the Minister and the Council of Ministers in licensing of private HEIs (e.g. on whether the final powers of approval which rest with the Minister and the Council of Ministers simply amount to endorsement of decisions already reached by due process through the other bodies, or whether additional 'politicised' considerations may be introduced at this stage). The appointment of external experts in considering new and re-organised programmes also needs to be transparent, i.e. based upon the academic and professional qualifications and experience of those considered for appointment, rather than their political connections.

Beyond initial licensing, evidence indicates that a robust on-going national system of quality assurance of private HEI is lacking. HEIs which do not meet the legal criteria continue to operate, and are not

closed. While legislation states the Ministry's powers to suspend or remove licences, it appears these powers are not being used. This can be linked to the failure of national documentation to detail what inspection methods are intended for use with private HEIs, including how the Ministry, PAAHE and the Accreditation Council work together on inspection; exactly how the Ministry moves from negative inspection findings to the actual suspension or removal of the licence of a private HEI; and exactly how it is established that an HEI which has had its licence suspended has subsequently met the criteria for the licence to be restored.

Recommendation 9: The Albanian Government must ensure that HEI status, specifically university status, is only held in Albania by institutions which clearly meet the benchmarks of contemporary European and wider international standards. The Government must persuade all relevant stakeholders within Albania that this is essential to secure Albania's aspirations for its education system to be recognised as meeting contemporary European standards, with the fundamental implications this has for the ability of Albanians to study abroad.

Timescale: Major national campaign and public discussion launched from autumn 2011 to ensure all stakeholders are persuaded by December 2011 of the priority which must be given to ensuring only institutions meeting European and wider international standards hold university status in Albania.

Recommendation 10: The Albanian Government should review its system for the initial licensing and on-going quality assurance of private HEIs to ensure that all individuals and organisations involved apply in practice the detailed criteria which exist in national documentation to ensure that Albanian standards are in line with contemporary European and wider international standards.

Timescale: Staff development training to commence in autumn 2011, and be completed by December 2011, for all staff involved in private HEI licensing with the MoES (DPED), PAAHE and the Accreditation Council, to ensure that these staff understand the relevant national documentation, and the importance of applying the criteria in the documentation.

Recommendation 11: The Albanian Government should review the specific details of its system of initial licensing of private HEIs to ensure that it eliminates unnecessary bureaucratic complication and

duplication and the resulting potential for inappropriate conduct within the licensing process. In particular, the Government should provide a transparent description of the respective positions of the DPED, PAAHE, the Accreditation Council, and Ministers, and a clear justification for the continued involvement of all of these institutions in licensing. Even when this review is concluded, no new private HEI licences should be issued until a comprehensive inspection of all existing private HEIs has been completed (see Recommendation 12 below).

Timescale: The system of initial licensing of private HEIs to be reviewed during autumn and winter 2011, with conclusions of the review available by December 2011 (if the review recommends the continued involvement of all of DPED, PAAHE, the Accreditation Council, and Ministers, the full case for this should be available in December 2011 as part of the review's conclusions). Any required amendments to the system should be in place by spring 2012, for subsequent use after December 2012 (see Recommendation 12 below).

Recommendation 12: The Albanian Government should review the specific details of its system for on-going inspection of private HEIs, with associated powers for the suspension and removal of licences. In particular, the Government should provide more detail on the precise methodologies for this inspection, including how the Ministry, PAAHE and the Accreditation Council work together on inspection. The Government should also clarify how negative findings from such inspection will be linked to the suspension or removal of private HEI licences, and how the HEIs which have had licences suspended are judged to meet the criteria for the licence to be restored.

Timescale: The system for on-going inspection, and suspension and removal of licences, for private HEIs should be reviewed for the relevant issues during autumn 2011, with the conclusions of the review available by October 2011. Any required amendments to the system should then be available for use by November 2011. By December 2011, the Government should have produced a comprehensive plan for the inspection (leading to any necessary suspension or removal of licences) of all existing private HEIs. This inspection cycle should commence in January 2012, and should have covered all existing private HEIs by December 2012. Until the completion of this inspection cycle, no new licences should be granted to private HEIs.

5 CONCLUDING REMARKS

The Risk Assessment previously completed by the experts focused on challenges facing the Albanian Government and society if the Albanian public education system is to achieve fully the standards of a contemporary European education system, guaranteeing the highest quality educational experiences for its students at all levels, together with standards of conduct based on ethical principles in public and professional life. In that earlier document, the experts emphasised that problems in Albanian education are not confined to the public system, and that the private education sector also contains weaknesses which need to be addressed. This Technical Paper has sought to identify the main ‘weaknesses’, and make recommendations to address them.

As was argued for the public education system, this Assessment argues that the Albanian Government needs to address systematic weaknesses within the Albanian private education system and the system for its licensing, regulation and inspection. For private education, it will not be enough for the Albanian Government simply to ‘let the market take its course’, and rely on the existence of licensing, regulation and inspection approaches which may seem appropriately thorough on paper. The Government will need to reach a coherent decision on how far it wants to identify a role for private provision within Albanian education. If a place for private education is accepted, the current systems for licensing, regulation and inspection of private schools and HEIs must be rigorously reviewed to achieve any necessary procedural strengthening. More importantly, these systems must be implemented to ensure that all criteria elaborated in official documentation as means of assuring standards are actually applied in practice.

This applies particularly to Albanian private higher education. A major problem for the credibility of Albanian education will remain, if Albania continues to allow many private institutions to claim university status when it seems clear these institutions do not meet appropriate criteria. It is for this reason that this Technical Paper recommends no new private HEI licences are issued until all existing

private HEIs are subjected to a comprehensive cycle of inspection. Addressing these problems is essential if Albanian education, private as well as public, is to be recognised internationally as truly meeting contemporary European standards.

6 REFERENCES

Documents Also Previously Used For The General Risk Assessment

Ministry of Education and Science (2010a) *Reviewed Law on Pre-University Education ('Final Draft' of May 2010)*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2010b) *Basic General Standards For Teachers* – no date, place of publication and author, but made available by PACA staff to experts, November 2010, as one of a set of Ministry documents.

Ministry of Education and Science (2011a) *State Quality Standards of Higher Education Institutions (HEI)*, Tirana: Ministry of Education and Science – no date (although relates to article 61 of the law no. 9741 of 21.5.2007), but made available by PACA staff to experts, April 2011.

Open Society Foundation for Albania (The SOROS Foundation) (2008) *The Teachers' Code of Conduct and Its Regulatory Mechanism (Final Draft)* – no place of publication, but made available by PACA staff to experts.

Project Against Corruption In Albania (PACA) (2010) *Technical Paper on Corruption in the Albania Education System prepared by Pellumb Karameta, Council of Europe Expert*, Council of Europe/European Union.

Project Against Corruption In Albania (PACA) (April 2011) *Risk Assessment Of The Albanian Education System (Incorporating Analysis Of The System For The Recruitment, Appointment And Promotion Of Education Teaching Staff In The Compulsory Education System) prepared by Ian Smith and Tom Hamilton, Council of Europe Experts*, Council of Europe/European Union.

Additional Documents Provided On Licensing, Regulation and Inspection

Ministry of Education and Science (1999) *Decision No. 248 (dated 28.05.1999) On The Criteria And Procedures Of Issuing Permits For The Functioning Of Non-Public Educational Institutions And Non-Public Complementary Educational Institutions, Where Religious Subjects Are Taught Or Where The Teaching Process Is Also Carried Out In A Foreign Language*, Tirana: Ministry of Education and Science

Ministry of Education and Science (2010c) *Decision On The Creation Of The National Inspectorate For Pre-University Education*, Tirana: Ministry of Education and Science – document made available by PACA staff to experts is not dated, but a cross-reference in another document (Ministry of Education and Science 2010e) indicates this document is dated 03.02.2010.

Ministry of Education and Science (2010d) *Instruction No. 33 of 1 November 2010 On The Criteria And Procedures For Processing Of Licensing Applications Of Private Educational Institutions And Private Complementary Undergraduate Educational Institutions*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2010e) *Regulation Of The National Inspectorate For Pre-University Education (NIPE)*, Tirana: Ministry of Education and Science – document is not dated, but made available by PACA staff to experts, November 2010.

Ministry of Education and Science (2011b) *Procedures And Documentation For The Opening Of A Private Higher Education Institution, Programmes Of Graduate Studies In The First And Second Cycle, Programmes Of Non-Graduate Studies, Of Professional Nature And Also Procedures For Suspension And Revocation Of License (dated 28.02.2011)*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2011c) *Statistics on Albanian Public and Private Education*, Tirana: Ministry of Education and Science - document is not dated, but made available by PACA staff to experts, April 2011.

**RESPONSE TO AND RECOMMENDATIONS
CONCERNING MINISTRY OF EDUCATION AND SCIENCE
FEEDBACK ON PACA ASSESSMENTS OF THE ALBANIAN
EDUCATION SYSTEM**

*Prepared by Professor Ian Smith and Tom Hamilton,
Council of Europe experts, December 2011*

ECS-PACA-21/2011

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INTRODUCTION

During the first half of 2011, experts from the General Teaching Council for Scotland produced two Technical Papers for the Council of Europe/EU project against Corruption in Albania (PACA): the ‘Risk Analysis Of The Albanian Education System (Incorporating Analysis Of The System For The Recruitment, Appointment And Promotion Of Education Teaching Staff In The Compulsory Education System)’, April 2011; and ‘Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions Within Albania’, June 2011. Written feedback was received from the Ministry of Education and Science, and the visiting experts wish to express their thanks to the Ministry for this helpful feedback. The experts were asked to prepare this additional Technical Paper ‘Response to and recommendations concerning Ministry of Education and Science feedback on PACA assessments of the Albanian education system’.

The visiting experts received two feedback documents which had been sent by the Ministry to PACA staff. The first of these provided feedback comments on each of the fifteen Recommendations in the overall ‘Risk Analysis’ document, while the second only provided comments on six of the twelve Recommendations in the ‘Private Educational Institutions’ document (this aspect of the feedback on the ‘Private Educational Institutions’ document is commented on further below). In providing feedback, the Ministry made reference to a number of additional documents, either already available or in preparation, which had not previously been provided to the experts. Five of these documents (detailed in the References list) have now been provided to the experts.

The current paper is organised around the Recommendations (including Timescale) from the original Technical Papers, beginning with the general ‘Risk Analysis’ and moving onto the ‘Private Educational Institutions’ document. In the original version of this Technical Paper, where a Recommendation had been commented on by the Ministry, the Recommendation itself was repeated, followed by the Ministry’s feedback and then the experts’ response to that

feedback. In this version, the full Recommendation is not repeated, only a reference to where it can be found in the current collated document. Where applicable, the experts' responses make use of the additional documents provided by the Ministry. The experts have not produced a separate list of new Recommendations. Generally, their responses will reinforce the relevant original Recommendation, or some particular aspects within it, or highlight some additional emphasis to the Recommendation.

1 RISK ANALYSIS OF THE ALBANIAN EDUCATION SYSTEM (INCORPORATING ANALYSIS OF THE SYSTEM FOR THE RECRUITMENT, APPOINTMENT AND PROMOTION OF EDUCATION TEACHING STAFF IN THE COMPULSORY EDUCATION SYSTEM)

1.1 Recommendation 1

This Recommendation can be found at p.17 of the current document.

- **Ministry Feedback**

This recommendation shall be fully implemented by the end of 2012.

The agencies under MoES are working towards the preparation of the Code of Conduct. The draft-law on pre-university education has been established on the basis of fundamental ethical principles related to the teacher's figure. This draft has become subject to a profound analysis by teachers and local educational authorities. National awareness campaigns and public debates have been undertaken in this regard.

To date, the Albanian pre-university education system has been governed by the Law on Pre-university Education and regulatory provisions upon which educational activity in pre-university education schools is built. Ethical principles related to teachers' and principals' work take up a significant place in these provisions.

All schools of the Republic of Albania conduct at least 4 recorded meetings of the teaching faculty during one academic session and issues related to the teacher's figure constitute a constant topic of discussion.

Every school has its own democratic school bodies: its board, parent-teacher committee, school senate, student government. The first two are composed of parents, teachers, students and representative of local authorities, whereas the latter two are composed of students alone. All these bodies discuss issues related to teachers' ethics, reduction of corrupt acts in schools and the educational system as a whole.

- **Experts' Response**

The experts welcome the commitment to full implementation of this Recommendation by the end of 2012, and the general recognition of the importance of 'fundamental ethical principles' for teachers' work. However, it is clear that a Code of Conduct is still only in preparation and the experts would emphasise the crucial importance of this work being completed quickly, especially given that the original draft Teachers' Code made available to the experts dated back to 2008, and much time has elapsed since then. The experts would also emphasise that in the original Risk Analysis they stressed the importance of a Code of Conduct being based on the principles of positive behaviour intrinsic to professional conduct (rather than negative rules of conduct), and such a Code being linked to a statement of broader positive standards for the school teaching profession. It will be essential that these features are embodied in any Code of Conduct, and Professional Standards, confirmed and disseminated in 2012.

A more recent version of the Draft Law on Pre-University Education has been made available to the experts since the Risk Analysis was completed (Draft Law On The Pre-University Education System In The Republic Of Albania, Ministry of Education and Science 2011a). However, even this most recent version does not have a particularly early or extensive emphasis on the fundamental importance of a positive Code of Ethics and Professional Standards. It is not until

Article 70 on Teachers' Rights and Duties that par. 2(b) simply refers to educational staff having the duty to 'respect the code of ethics in his or her relations with students, colleagues, parents and superiors', and there are no other specific references to the code of ethics in the Draft Law, and only a rather vague reference in Article 70, par. 3(b), to the teacher's duty to 'fulfil teacher standards, in general, and those of his or her subject, in particular'. The experts commented in the earlier Risk Analysis on a tendency in Albanian Government discourse to place too much emphasis on the role of the forthcoming Law on Pre-University Education as the solution to all manner of issues. Once more, especially given the very limited emphasis on a Code of Conduct and Professional Standards in the Draft Law, the experts would emphasise the separate importance of the final confirmation, and fullest dissemination, of the Code and Standards themselves.

On dissemination, the experts recognise the participatory strengths of meetings of teaching faculty, school boards, parent-teacher committees, school senates, and student governments. However, they would also emphasise that they see a national campaign of public discussion to launch a teachers' Code and Standards as much more focused and high-profile than simply expecting such individual meetings across the country to cover this as one agenda item among many. Additional approaches will be required, such as appearances in the media by relevant prominent public figures, high quality ICT and other resources for use at 'single issue' meetings of the various bodies listed.

1.2 Recommendation 2

See p.18 of the current document.

- **Ministry Feedback**

This recommendation shall be fully implemented within the prescribed timescale. Some of the requirements of this recommendation have been implemented almost fully. All schools have set up and operate a career guidance office chaired by the deputy principal.

Between February and June, all universities co-operate closely with high school *Matura* students, including having talks with them, open days/visits to premises, etc.

In meetings with high school students, the latter are constantly called upon to choose teaching as a career.

The school curriculum has undergone major changes and the subject of *Career Education* has been introduced in the second and third grades of high school education. Elements of *Career Education* have been incorporated in Grade 9 of compulsory education, too.

We commenced the implementation of this recommendation back in May 2010, when the reform of initial teacher education was launched.

- **Experts' Response**

The experts welcome the work which has already been undertaken in strengthening general careers education in high schools, and in ensuring specific emphasis is given to the importance of school teaching as a career within this. However, underlying Recommendation 2, the earlier Risk Analysis had also highlighted potential issues at university level, where the programme pathways towards teacher education programmes may require early decisions, at which points the best students may not opt for teaching. The experts would still urge the Government to ensure full discussions take place with university teacher education staff to consider how decisions to undertake teacher education are timed to avoid premature loss of the most able students, e.g. the adoption of an equivalent to the postgraduate route into school teaching used in a number of Western European countries, giving high quality students the option of delaying a choice of school teaching as a career entirely until master's level study, when all study of education, pedagogy, practicum experience etc. would be overtaken (as mentioned in the earlier Risk Analysis, PACA April 2011, pp.16-17).

1.3 Recommendation 3

See p.19 of the current document.

- **Ministry Feedback**

This recommendation shall be implemented fully within the set timescale.

The Ministry of Education and Science is devoting particular attention to initial teacher training in public universities. The reform on initial teacher training in these universities has embarked on the right track. To become a teacher in the Albanian educational system, one requires a master's degree, and a bachelor in the pre-school educational system.

A new teacher in the Albanian educational system pursues a one-year internship (practical training) in a school in a big city under the supervision of the school's best teachers.

The relevant legal basis for the conduct of internships has already been prepared. Discussions with universities have already taken place, and consultations are under way with university staff on the professional examination for entry to school teaching.

MoES has issued a Regulation "On the Organisation and Development of Professional Practices in the Regulated Profession of School Teacher", No. 3874/1, dated 14.07.2011.

Professional internships shall commence in November 2011, whereas state exams in November 2012. University teachers shall be engaged in drafting the programme and compiling state examination questions.

- **Experts' Response**

The experts recognise the very positive work which has taken place in further developing the master's degree qualifications for school teachers, and bachelor degree qualifications for the pre-school sector. The experts also welcome the very significant contribution which will be made to the early professional development of teachers through the new professional internship scheme. It was particularly helpful to receive the document 'Order No.336 (dated 14.07.2011) Adopting The

Regulation “On the Organisation and Development of Professional Practices In The Regulated Teacher Profession”, With The Associated Regulation, Including Annexes’ (Ministry of Education and Science 2011b), giving details on the internship scheme. This scheme will clearly involve much good practice in enabling beginning teachers to achieve the professional practice certificate, and there will also be some role for the universities within the scheme. Good practice includes the role of the mentor (Article 2, par. 1 and 4, Article 10), the specification of portfolios for the teacher in training (Article 19), and the detailing of approaches to the evaluation (i.e. assessment) of the teacher in training (Article 20, and Annex 3).

On the other hand, the experts are not completely clear on the role of the universities within the professional practice internship. Article 3, par.2, identifies ‘further mastery of theoretical-professional knowledge’ as one of the purposes of the professional practice, which would imply a role for universities. However, although Article 9 states that HEIs which provide initial teacher training will cooperate with IDE (the Education Development Institute) ‘in the design of guiding professional practice programmes’ and ‘make professional practice programmes available to last year students’, the overall role of HEIs in the professional practice internship is not clear. A much greater role seems to rest with the Regional Education Directorates (RED) and Education Offices (EO), e.g. see Article 7, Article 16 on selection of applicants and Article 21 on the evaluation of teachers in training.

The experts would suggest that the need to clarify a significant role for universities in the professional practice internship mirrors the continuing need to explain fully why a state examination is needed, and exactly what the role of the universities will be in such an examination. Indeed, Recommendation 3 was very much about questioning the place of a state professional examination in the professional education and development of teachers. The experts are still not clear on the need for such an examination at all, especially if well-developed university master’s programmes are progressing, and these are now to be supplemented by a well-based professional internship scheme.

1.4 Recommendation 4

See p.20 of the current document.

- **Ministry Feedback**

This recommendation has been fully implemented.

Teacher salaries have been going up increasingly. At the present moment, a teacher's salary in the public administration is at a dignified level compared to other levels of the public administration. In the past 5 years, teacher salaries have increased more than twice as much. The greatest increase was between 2006 and 2008. In the past couple of years, there has been less of an increase – at 4-7%, due to the financial crisis.

This is precisely this reason why the MoES enjoys a good relationship with teachers' unions. However, salaries in the educational system have been on the increase from one year to another.

As concerns the relationship between teachers' salaries and private tutoring, in our view there is no close correlation between the two. It is rather an issue of teacher's ethics. Albania has moved beyond the stage when teachers were forced to engage in private tutoring in order to survive. This was the case 5-6 years ago. But this is no longer the case now, as there is no reason why this should be done.

- **Experts' Response**

The experts welcome the evidence from the Albanian Government that the salaries of teachers have increased significantly in recent years, and are at an appropriate level compared to other sectors of the public administration. This helps resolve the ambiguity in the comments made by interviewees on teachers' salaries. It is greatly to the credit of the Government that it has shown this commitment to such a key group within the public sector workforce. The experts also agree that private tutoring is fundamentally an issue of teacher ethics. Of course, the described improvement in teachers' salaries will strengthen the Government's case that the elimination of private tutoring is ultimately an ethical imperative. On the other hand,

the persistence of perceptions among some interviewees that there may still be problems with teachers' salary levels suggests that the Government may usefully give more emphasis in public discussion to the real progress on teachers' salaries which it has described. This may be particularly helpful in having a positive impact on recruiting the most able entrants to the teaching profession.

1.5 Recommendation 5

See p.21 of the current document.

- **Ministry Feedback**

This recommendation is relevant. However, that was the case in Tirana and other cities in the past, when all classes in the main high schools had more than 50 students; as early as 4-5 years ago.

The guidelines on the teaching norms and class sizes provide for 32 pupils in elementary schools, and 35 students for the remainder. This target has been achieved. In Tirana, the number of students per class is fewer than 35. The issue should not be confused with the special case of some of Tirana's main high schools, such as " S. Frashëri", " QemalStafa ", " P.N. Luarasi", " I. Qemali", where there is an overwhelming demand to attend these high schools, therefore emptying out other high schools. Inner-country migration has led to an increase in the number of students in the larger cities and their outskirts.

In Tirana, schools are run by the Tirana Regional Educational Directorate, which has been supported by the MoES throughout all the requests it has submitted to us. Nevertheless, this recommendation has been and remains a priority for MoES. What should also be taken into account is the fact that the average class size nationally is 32 students.

The recommendation that class sizes in high schools should be no more than 30 students, and its implementation commencing in the 2012-2013 academic year, is, in our view, impossible to meet as it

entails heavy financial costs (an increase in the number of educational staff by 1,833 people or 4.7% of the total number of staff employed in the educational system). Even if we were to do this, it would not lead to a significant improvement in the anti-corruption element. This issue does not constitute a risk analysis in the Albanian educational system.

- **Experts' Response**

The experts appreciate why the Albanian Government would seek to distinguish the class size issue from 'anti-corruption' issues as such. The experts saw a connection because they heard suggestions from some interviewees that very large class size, especially at Matura level, was one of the reasons why high school teachers, students and parents resorted to private tutoring (as a way of achieving more personal attention for students). To an extent, the experts concede that they may have been adopting at times a broader definition of 'risk' to include 'threats to the best development of the Albanian education system', and this may have been the case on class sizes (where excessively large classes will affect teaching and learning adversely at Matura level). The experts accept the very major economic and financial challenges the Government faces in this area, and would not want to press further on any specific target class size of 30. However, interviewees did suggest to the experts that class sizes in the popular Tirana high schools were in the high 30s/ low 40s. The experts accept the Albanian Government is committed to achieving the best it can on class sizes, within available resources, but would urge the Government at least to target Tirana high school class sizes as low in the 30s as possible.

1.6 Recommendation 6

See p.22 of the current document.

- **Ministry Feedback**

This recommendation shall be implemented gradually for school teachers in rural areas, because it depends on the teachers' willingness and free will to work in remote areas. However, significant and

constant improvements in road infrastructure are alleviating the problem of teachers teaching in those areas.

- **Experts' Response**

The experts welcome any progress on achieving appropriate staffing in remote rural areas, and fully appreciate the challenges which the Government faces with transport infrastructure in such areas. However, the experts would wish to re-emphasise that the Risk Analysis also raised the issues of possible understaffing in Tirana and other more major cities, and some possible overstaffing in certain medium size and smaller towns. Any national workforce planning exercise should include identification of whether such issues exist, and consideration of possible solutions for them, if they do.

1.7 Recommendation 7

See p.22 of the current document.

- **Ministry Feedback**

We agree fully with this recommendation.

Taking into account the importance of the teaching profession and objectives of the Albanian Government for the enhancement of the quality of education, the teaching profession has been included in the group of regulated professions regulated by Law No. 10171, dated 22.10.2009, "On Regulated Professions in the Republic of Albania", as amended. Implementation of Regulation No. 3874/1, dated 14.07.2011, "On the Organisation and Development of Professional Practices in the Regulated Profession of School Teachers" shall start during the 2011-2012 academic year. In order for a candidate to exercise the teacher profession, he or she must have:

- completed second cycle studies in education;
- carried out professional practice / training under the supervision of a mentor;
- taken the state examination.

Only candidates who have completed the second cycle of studies in the school session 2011 and onwards shall apply for the professional practice/training. A candidate applying for professional practice shall select a public or private school and submit the application to the respective RED/EO; the latter shall create the conditions for the smooth conduct of the professional practice.

After the practice has been completed, the performance of the teacher in training is appraised by the mentor, school principal and commission for the evaluation of the teacher in training. Should the evaluation be positive, the teacher in training shall have the right to sit the state exam.

The Government of Albania is preparing a new legal framework for the recruitment and appointment of teachers in public schools. We shall submit the details of the new system to you once the prepared legal framework has been approved. This piece of legislation shall address all the issues that you have raised in recommendations 7, 8 and 9.

At present, the Ministry of Education and Sciences has delegated all appointment powers to the Regional Education Directorates and Educational Offices.

- **Experts' Response**

The experts welcome that a separate new legal framework for the recruitment and appointment of teachers in public schools is being prepared, although this has not yet been made available to them. More particularly, as already discussed under Recommendation 3, the experts welcome the positive features of the professional practice internship, and the confirmation of the need to complete second cycle studies in education, as appropriate requirements upon those applying for teaching posts. However, such more general aspects of recruitment and appointment of teachers will be returned to under Recommendation 8 below.

Recommendation 7 deals specifically with the open advertising of all posts. The most recent version of the Draft Law on Pre-University Education made available to the experts (Ministry of

Education and Science 2011a) presumably anticipates aspects of any separate new legal framework. In this context, Article 73, par. 1, states that graduate and licensed teachers ‘shall be selected by open competition’. This Draft Law does not explicitly refer to ‘open **advertisement**’ as such.

The experts would emphasise it will be important for any new legal framework to include an explicit commitment to ‘open advertisement’ specifically. For example, this commitment could follow the type of wording used in the ‘Regulation On Competition, Appointment And Removal Of Principals Of Education Institutions In Public Pre-University Education, With Associated Annexes’ (Ministry of Education and Science 2011c), where Article 9b refers to the competition for posts being posted ‘on premises that are accessible by the public, in RED or EO and respective institution’. Alternatively, a more contemporary approach could be to use an MoES website, as suggested for the annual list of Education Institutions of Professional Practice (EIPPs) offering the new professional practice internships, in Article 15, par.1, of ‘Order No. 336 (dated 14.07.2011) Adopting The Regulation “On The Organisation And Implementation Of Professional Practice In The Regulated Teacher Profession”, With The Associated Regulation, Including Annexes’ (Ministry of Education and Science 2011b). Of course, this last example assumes that the main ‘open competition’ for permanent posts comes after the professional practice internship, rather than successful interns simply being confirmed in post (see comments under Recommendation 9 below).

1.8 Recommendation 8

See pp.23-4 of the current document.

- **Ministry Feedback**

The Government of Albania is preparing a new legal framework for the recruitment and appointment of teachers in public schools.

We are in the process of drafting a Regulation “On the Criteria and Procedures for the Appointment of Public School Principals, Deputy

Principals, Teachers and Support Staff”. This Regulation shall consist in the establishment of eligibility criteria for applications for school teacher positions based on one’s merits and qualification. The Regulation outlines how the winning candidate shall be selected. It also specifies the composition of the Selection Committee, which shall compose of RED/EO representatives, representatives of the subject teams, School Board representatives, experienced school teachers and Student Government representatives.

We shall submit the details of the new system to you once the prepared legal framework has been approved.

- **Experts’ Response**

As mentioned under Recommendation 7, the experts welcome the preparation of a separate new legal framework for the recruitment and appointment of teachers in public schools, and specifically a Regulation ‘On the Criteria and Procedures for the Appointment of Public School Principals, Deputy Principals, Teachers and Support Staff’, although these have not yet been made available to them.

However, in the absence of these documents, the experts have already noted that the Draft Law on pre-University Education presumably anticipates this more specific documentation. Article 73, par.1, states that graduates and licensed teachers ‘shall be selected by open competition and appointed by the principal of the respective institution, on proposal of a commission composed of staff from that institution’ and Article 73, par.2, also states that the principal will have the right to dismiss a teacher after consultation with the staff commission. Article 73, par.1, meets much of Recommendation 8’s call for devolving recruitment and appointment to Principals and School Boards (and the Ministry feedback strengthens the Article by referring to School Boards, not just school staff).

However, the composition of the Selection Committee mentioned in the Ministry feedback does not seem to correspond exactly to the nature of the commission mentioned in the Draft Law, especially because of its inclusion of RED/EO representatives. In particular, the experts would question the re-appearance of RED/EO involvement

at this level, given the concerns expressed in the earlier Risk Analysis about excessive RED/EO influence in existing recruitment and appointment processes (see PACA April 2011, pp. 22-23).

Regarding the use of evidence on initial teacher education performance provided by the public universities, the introduction of the professional practice internship may have moved this situation on somewhat. It will now be important to stress that the evidence of performance from the professional practice internship must be used fully in recruitment and appointment to permanent posts (and Annex 3 from ‘Order No. 336 (dated 14.07.2011) Adopting The Regulation “On The Organisation And Implementation Of Professional Practice In The Regulated Teacher Profession”, With Associated Regulation, Including Annexes’, Ministry of Education and Science 2011b, indicates the type of evidence which will be available). However, as discussed under Recommendation 3 above, it will still be important to secure a role for public university staff in the professional practice internship, and the experts would still recommend that applicants include evidence of initial teacher education performance, as well as professional practice internship performance, in any application for permanent posts.

1.9 Recommendation 9

See p.26 of the current document.

• Ministry Feedback

There are two elements that have stood out in the Albanian educational system: job stability and job security. This system has two categories of teachers – one the one hand the so-called “permanent” teachers, that is, by appointment to their posts (permanent position) who are members of several unions within the educational system, and, on the other, the so-called ‘temporary’, ‘supply’ teachers or teachers ‘in the awaiting list’ (all meaning the same thing).

The number of teachers comprising the first group has reached 39,030 and is characterized by stability of appointment, with the

exception of cases when there is a drop in the number of students going to a particular school and the redeployment of teachers from one school to another. The second group consists of teachers who have substituted other teachers who may be on maternity leave, an extended sick-leave, and so on. Often there is confusion about the two groups of teachers either intentionally or out of ignorance, thus getting it wrong about job stability in the Albanian educational system. At times the teachers of the second group seek employment at the Regional Education Directorates, on other occasions they work in other sectors, while waiting for their appointment. The Regional Education Directorates have accurate data and respective lists of those teachers. These teachers shall be able to move to the first group in accordance with the legal basis which is being prepared and which we will send to you accordingly.

With regard to teachers' professional development, we are implementing the Regulation on Teachers' Qualifications, which sets out the manner in which a certificate of qualification is awarded to each category (category 3 being the lowest score, category 2 medium and category 1 the highest).

In order for teachers to be awarded such a certificate, those who meet the criteria specified in this Regulation must complete their portfolio with documents/materials proving their commitment to professional development over a given time. If the portfolio is found successful, they are granted the right to take the qualification exam, which also qualifies them to a certain category level. Each category level results in an increase in salary.

- **Experts' Response**

The experts welcome the continuing work of the Albanian Government to base teaching careers upon permanent posts which involve professional development, although they have not yet been provided with the legal basis for 'substitute' teachers moving to permanent posts, or with the 'Regulation on Teachers' Qualifications'. The experts would still wish clarification on aspects of how teachers obtain permanent posts. The experts assume that the professional

practice internship effectively now confirms that there is a formal probation before obtaining a permanent post. However, as already mentioned under Recommendation 7, clarification is necessary that the real competition for permanent posts comes after internship, rather than a successful intern simply being confirmed as permanent after completing their internship (and, of course, presumably under current proposals, also the state examination). This requires confirmation that the professional practice internship is not being seen as a one-year contract leading to an 'indefinite' contract under The Collective Employment Contract 2010-2014 (see earlier Risk Analysis, PACA April 2011, p.25). Clarification on the relationship between the professional practice internship and permanent posts will be particularly relevant to existing 'substitute' teachers seeking permanent posts. They will need re-assurance that they are able to compete 'on a level playing field' with interns able to provide the extensive evidence of performance during their professional practice internship.

Without the 'Regulations on Teachers' Qualifications', the experts are not sure how the Ministry feedback statement on three categories of qualification for teachers' professional development relates to some aspects of other documentation they have received. For example, Article 72, par. 1, of the Draft Law on Pre-University Education (Ministry of Education and Science 2011a) refers to teacher qualification as consisting of the following 'consecutive degrees': 'qualified teacher'; 'specialist teacher'; 'master teacher'. Although the Regulation 'On The Organisation And Implementation Of Professional Practice In The Regulated Teacher Profession' (Ministry of Education and Science 2011b) relates to the professional internship scheme, Annex 3 concludes with three overall evaluations from 'Satisfactory' upwards (the other two being 'Good' and 'Very Good'). Do the three categories of qualification mentioned in the feedback refer to the three professional development qualifications (qualified, specialist, master), or to three levels of attainment (satisfactory, good, very good) available for each of the three qualifications? More generally, are the second and third of the three qualifications only for those teachers who

wish to move to a higher status as part of their career development, with associated salary enhancements. If they are, what are the expectations for continuing professional development for those teachers who simply wish to maintain a 'non-enhanced' permanent post (similar questions were also raised in the earlier Risk Analysis, PACA April 2011, pp. 26-27)? Further clarification is still necessary on such aspects of teachers' continuing professional development and career progression.

1.10 Recommendation 10

See p.27 of the current document.

- **Ministry Feedback**

The Ministry of Education and Science has prepared a Regulation "On the Competition, Appointment and Removal of the Principals of Pre-university Educational Institutions", which will enable implementation of Recommendation 10.

This Regulation shall be signed by the Minister very soon. We shall send you a copy thereof once it is signed.

In addition, MoES has also issued Regulation No. 7170/8, dated 22.11.2010, "On the Qualification of the Principals of Educational Institutions".

We are in the process of drafting a Regulation "On the Criteria and Procedures for the Appointment of Public School Principals, Deputy Principals, Teachers and Support Staff". This Regulation shall consist in the establishment of eligibility criteria for applications for school teacher positions based on one's merits and qualifications. The Regulation outlines how the winning candidate shall be selected. It also specifies the composition of the Selection Committee, which shall compose of RED/EO representatives, representatives of the subject teams, School Board representatives, experienced school teachers and Student Government representatives.

Meanwhile, we have initiated the implementation of Regulation No. 7170/8, dated 22.11.2010, “On the Qualification of the Principals of Educational Institutions”. This Regulation provides for the professional development of school principals and outlines the prerequisites that must be met in order for one to be appointed a school principal. In order for a candidate to become eligible for the position of a principal and exercise the profession, he or she must sit the exam conducted by MoES, and be awarded a school principal certificate. Only then may this candidate become eligible to compete for the position of a school principal.

- **Experts’ Response**

The experts strongly welcome the further development work by the Government in strengthening the appointment processes for school principals, as evidenced by ‘Instruction No. 36 (dated 22.11.2010) On The Qualification Of Heads Of Pre-Schools And Schools’ (Ministry of Education and Science 2010), and ‘Regulation On Competition, Appointment And Removal Of Principals Of Education Institutions In Public Pre-University Education, With Associated Annexes’ (Ministry of Education and Science 2011c). They also noted that Article 66 of the most recent version of the Draft Law on Pre-University Education covered the appointment and removal of education institution principals (Ministry of Education and Science 2011a). The experts are not clear exactly how the Regulation ‘On the Criteria and Procedures for the appointment of Public School Principals, Deputy Principals, Teachers and Support Staff’ will add to the information on Principals in the documents made available to them, and they will base their response on these documents.

Instruction No. 36 indicates the role of another national body, The National Education Development Institute (NEDI), in addition to the MoES, in designing qualification programmes for principals. The Instruction discusses the ‘principal qualification programme’ (Article 5), including the role of training agencies in providing programmes or separate modules which shall be accredited by the ‘Training Accreditation Committee’ (Article 6),

and approaches can include training which is exclusively online (Article 7). Considerable detail is prescribed on the evaluation (i.e. assessment) of candidates (Articles 8-14). These details appear to indicate that written examinations will comprise 80% of module assessments conducted by the relevant training agency (i.e. with a maximum 20% to a portfolio), and successful completion of module assessments lead to the candidate undertaking the 'final principal qualification examination', which is conducted by the Principal Qualification Examination Commission, with this examination covering the 'knowledge' of the modules previously undertaken and assessed. Success in the final examination leads to the award of the 'certificate of qualification as principal' (Article 13). The government's aim is clearly to move to possession of this certificate being a requirement for becoming, or remaining a principal, although transition arrangements are described for current post-holders (see Articles 15, 17 and 3).

The experts would note that, while these approaches are very detailed, they do not specifically require modules and programmes to be provided through accredited public university courses, which the Risk Analysis had recommended because of interviewee concerns that there could well be 'corruption' issues with the establishment of other types of agencies. The experts would also observe that there is a great deal of duplication proposed between training agency assessment of candidates, and the final 'state' examination. The use of accredited public university courses could remove the need for the duplication of a final 'state' examination. The experts would also comment that a more contemporary approach to assessing potential principals would involve much greater use of portfolios, and much less use of examinations (if any).

The 'Regulation On Competition, Appointment And Removal Of Principals Of Education Institutions In Public Pre-University Education, with Associated Annexes' states that a principal will be appointed for five years, but 'A principal's term may be renewed indefinitely' (Article 7). There is a clear commitment to 'open competition' (Article 8a), and public advertisement of posts (Article

9b). There is the requirement to have been awarded the principal's certificate, or be registered for the certificate (Article 8c), and anyone registered for the certificate must attend the training and take the final examination, if they are to continue as a principal (Article 8d). There is a full description of how a candidate must apply (Article 11 and Annexes 1-3). Applications are considered by a Commission comprising a RED or EO representative, a secretary who will be a RED or EO officer, a 'representative of the respective basic government unit', the head of the institution's board, and a representative of the student government (for upper secondary education) (Article 10). There is a full description of how applicants are assessed prior to interview, and as a result of interview (all candidates appear to be interviewed) (Articles 12-14, and Appendices 3, 5). It then appears that the Commission selects the two strongest applicants (based on a points system), and passes details on these candidates in alphabetical order to the RED director or EO chief (Article 14). At this point, the RED director/EO chief appoints one of the two candidates, and also has the right to interview them (Article 15). On dismissal, Article 17 makes clear that this lies with the 'director of a local education unit', after consultation with the Commission already mentioned (Article 17). Article 66 of the Draft Law on Pre-University Education is consistent with the details discussed above on the 'Regulation On Competition, Appointment And Removal Of Principals Of Education In Public Pre-University Education, with Associated Annexes', although the single term 'director of a local education unit' is used regarding appointments, rather than the two separate terms 'RED director/EO chief'.

The experts would note that much of this detail demonstrates a very genuine attempt to establish a transparent process based on open competition and merit. However, they would still comment on certain points (in addition to the point about public university courses already mentioned). The earlier Risk Analysis highlighted concerns that political and personal connection compromised existing procedures for appointing principals, particularly perhaps RED influence. The new appointment Commissions are being asked

to follow transparent procedures, and include ‘non-RED’ school board and student government representation. However, the RED director/EO chief still appears to make the final choice between two candidates forwarded in alphabetical order by the Commission. The experts would ask why the Commission is not explicitly forwarding its first choice (with ‘reserve’), simply for endorsement by the RED director/EO chief.

The experts would also comment that the use of 5-year terms, but which can be renewed ‘indefinitely’, suggests there remains a need for further discussion on the fixed-term principle, and on the on-going evaluation of the performance of principals. This discussion should clarify in particular what the connection is, if any, between evaluation of performance and whether or not a principal’s appointment is renewed ‘indefinitely’.

1.11 Recommendation 11

See p.30 of the current document.

- **Ministry Feedback**

Recommendation 11 has been MoES’s continuing goal. A number of practical steps have been taken in this regard, including extending teaching hours, offering free additional tutoring in school, prohibiting any private tutoring by teachers who teach the subject at the student’s own public school.

All high schools offer free additional tutoring in the subjects of natural sciences on a daily basis and, in particular, in the one-month period of examinations, according to a pre-determined schedule.

We have put together a legal framework designed to entirely prohibit private tutoring in the public (education) sector.

The school community has become aware of this, and fewer teachers engage in private tutoring both from fear of being caught and a change in the concept of engagement in private tutoring. The drop in private tutoring is a real fact.

- **Experts' Response**

The experts very strongly welcome the Government's clear commitment to ending private tutoring of their own pupils by public high school teachers. They recognise the importance of practical steps such as offering free additional tutoring in school. The experts have not been provided with any separate, extended legal framework prohibiting private tutoring. However, in the most recent version made available of the Draft Law on Pre- University Education (Ministry of Education and Science 2011a), Article 70, par.4 includes the statement 'A teacher shall be prohibited from providing tutoring intended to obtain a financial or material benefit to the students of the institution where he has full or part-time employment'. The experts greatly welcome this explicit statement.

On the other hand, as detailed in the earlier Risk Analysis, interviewees in February 2011 did not give the impression that 'The drop in private tutoring is a real fact'. Therefore, the experts would urge the Government to continue to press the case across all relevant parts of Albanian society (including teachers, parents, and students) that inappropriate private tutoring is inconsistent with ethical principles in public education. This should be linked to the inclusion of this principle within a teachers' Code of Ethics.

The Government will also need to clarify exactly what is involved in 'prohibiting' a teacher from providing inappropriate private tutoring, e.g., what are the employment sanctions, up to and including dismissal? The Government should also ensure that teachers' contractual working hours are sufficient to allow for their involvement in increased free additional tutoring within public schools.

1.12 Recommendation 12

See p.34 of the current document.

- **Ministry Feedback**

The State Matura reform is undergoing continuous improvement. This has contributed in an exceptional way to the fight against

corruption. None of the (around) 45,000 entrants has paid a bribe to be admitted in a public higher education institution.

The Matura standards are high. To date, the best schools in the country have been distinguished due to their Matura results, too. Around 85% of high schools have a difference of over 0.5 less grades compared to the average of 3 years.

The Ministry of Education and Sciences has taken a series of measures aimed at improving the way exams are administered and at preventing cheating. Progressive steps have been taken in this respect in the last two years. There have been immediate interventions on occasions when there has been suspicion of cheating - the Matura students' database and annual results have been scrutinised.

Another important step shall be taken in the State Matura this year, in order to increase the credibility of the State Matura, by organising exams in large rooms.

- **Experts' Response**

The experts fully appreciate the very significant work undertaken by the Ministry to develop the State Matura and establish it as a national examination of high standards, with its particular importance for a system of fair and equitable university entrance. The experts also recognise the dedicated and sustained work of the National Exams Agency in attempting to address major risks of corruption in the Matura, e.g. work in securing appropriate approaches to the setting and marking of final examinations.

However, as the earlier Risk Analysis details, evidence seems to persist of cheating in final examinations, associated with inadequate approaches by supervisors/invigilators (despite the very extensive Regulations detailing mechanisms for administering supervision appropriately – see earlier Risk Analysis, PACA April 2011, p.34). There may also be the possibility of contents of examination papers being made available in advance of examinations outside Tirana, and of issues with the internally assessed 'average grades'.

The organisation of examinations in larger rooms is clearly one example of a 'mechanistic' measure which may help reduce cheating in final examinations. The experts would urge the Government to give continuing consideration to other mechanistic measures which may further reduce corruption. Examples are given in the earlier Risk Analysis (such as external moderation of samples of internally assessed grades). There is also the issue of the ultimate sanction of dismissal of a supervisor who colludes in cheating, i.e. does this mean dismissal from the post of supervisor/invigilator, or the much more meaningful sanction of dismissal from the employee's underlying permanent post (which the experts understand to be generally that of primary teacher)? The experts would emphasise that the sanction of dismissal from underlying permanent post should be the option used.

However, beyond mechanistic measures, the experts would again emphasise the necessity of progressing the fundamental commitment across Albanian society (including teachers, parents and students) to an ethical approach to maintaining the integrity of the public examination system (as stressed in the Risk Analysis).

1.13 Recommendation 13

See pp.37-8 of the current document.

- **Ministry Feedback**

Under the Law on Higher Education, the financial autonomy of the universities has increased significantly. Revenues are planned and used by the higher education institutions themselves. The fund of salaries and overhead expenses are provided in the form of a grant.

The Ministry of Education and Sciences has put together a higher education financial reform, which shall be supported by a legal framework, where some of the recommendations proposed by you shall be addressed.

- **Experts' Response**

The experts have not been provided with a specific document on

higher education financial reform, or a supporting legal framework. They were provided with the National Strategy for Higher Education 2008-2013 (Ministry of Education and Science 2008). This is an impressive general document, demonstrating a clear commitment to strengthening Albanian higher education relative to international standards (par. 1,2) and to changing the status of HEIs from 'state owned...institutions' to 'truly public institutions' (par.11).

This very positive commitment was mirrored in the general approaches of public university staff interviewed for the earlier Risk Analysis. On the specific issues of public university funding, the National Strategy recognises that HEIs need 'sufficient autonomy in the handling of funds' (par. 21, also par. 92, 128, 129). There is a commitment that 'the state budget will remain the major source for their funding' (par. 105), and there is much detail on how state funding will be determined, including to enable growth (e.g. par 115-119, 124-127, 155-156).

However, the point being made to the experts by interviewees for the general Risk Analysis was not that the system of funding of public universities lacked mechanisms for determining appropriate levels of funding. Rather, the criticism was that the full amount of funds, once these had been determined, was not reaching the public universities because the Government was not passing on the full amount which Parliament had allocated. This should remain an area for attention.

More generally, the National Strategy for Higher Education does not address directly any of the issues of 'vulgar corruption' listed in Recommendation 13. The national strategy generally stresses that 'It is also important to cultivate a healthier culture in the quality of HEIs' (par. 73), but there is no specific recognition that 'vulgar corruption' is an issue.

In the light of the extent of concerns identified in the earlier Risk Analysis, 'vulgar corruption' in public universities must be given priority consideration by the Government. The Government must confirm whether or not major issues exist, and, if they do, address

them both by enhanced mechanistic measures and by achieving full staff commitment to ethical principles in public university life (see earlier Risk Analysis, PACA April 2011, pp. 40-41). The experts are not clear that any proposed 'higher education financial reform, which shall be supported by a legal framework' would address 'vulgar corruption' issues, as opposed to the issue of funds allocated by Parliament reaching the public universities.

1.14 Recommendation 14

See pp.41 of the current document.

- **Ministry Feedback**

Initiated in 2006, *Altertektst* has been one of the most successful reforms in the fight against corruption in the textbook market with a turnover of over 10 million Euros. This reform changed school textbook production from an MoES monopoly to a process of transparent and fair competition among the participating publishing houses. The legal documentation *Altertektst Information Package* is fully transparent and paves the way to free private competition. We shall send you a copy of the legal documentation *Altertektst2012*, which opens the application for school textbooks for the school session 2012-2013, and which we shall approve very soon. This is fully implemented in practice. No complaints whatsoever have been lodged by the publishing houses in the past two years. We have made continuing improvements in this legal documentation, thus improving textbook evaluation processes, their publication and sale process. In order to fight corruption related to the literature used in schools, I would like to inform you that only school textbooks are used in Albanian schools. On the other hand, supplementary literature is used through school libraries. Establishment of clear criteria by MoES has reduced to a minimum the practice of corrupt pressure exerted by certain teachers on students forcing them to purchase books under the guise of supplementary literature.

- **Experts' Response**

The experts fully appreciate the very major work of the Ministry in progressing the *Altertektst* system, and recognise the great significance

which is attached to the system's achievement of a transparent and fair competition on the provision of textbooks. The experts have no major criticisms of the Altermtekst system as a successful reform against corruption, and there is no need for the Ministry to provide the legal documentation Altermtekst 2012.

Partly, the experts were only suggesting on-going review for possible relatively minor refinements, such as suggestions on widening the membership of the Textbooks Approval Commission, the possible anonymising of texts when presented to school commissions, and whether there could be some move away from insisting on the annual exercise in every case to approving sets of books from a publisher for several years.

The only more fundamental point was to ask the Ministry to reflect over time on whether there is a risk of narrowing teaching and learning approaches, i.e. 'teaching to the text', if there is an excessive emphasis on single textbooks to the exclusion of more varied use of a range of resources, including IT resources. The experts were certainly not suggesting anything which would lead to teachers charging students for supplementary materials, but rather 'free materials' incorporated into lessons. The experts also note the useful emphasis on the use of school libraries to provide free supplementary literature.

1.15 Recommendation 15

See p.42 of the current document.

- **Ministry Feedback**

This recommendation has been fully implemented by the Government of Albania.

Roma students have been awarded scholarships, and special study opportunities have been planned.

For the very first time, in the 2011-2012 academic year, all Roma students were provided with the whole package of school textbooks free of charge.

- **Experts' Response**

The experts welcome most strongly the Government's positive actions towards the Roma community. The guarantee of free textbooks will be particularly significant for the Roma community (and the experts presume this is a straightforward distribution system which avoids any of the negative complications around reclaiming from receipts, as previously experienced by the Roma community – see earlier Risk Analysis, PACA April 2011, p.47). The experts hope that the 'special study opportunities' planned will be included within the provision of the social centres which representatives of the Roma community emphasised as being particularly important.

2 ASSESSMENT OF THE LICENSING, REGULATION AND INSPECTION OF PRIVATE EDUCATIONAL INSTITUTIONS IN ALBANIA

As mentioned in the Introduction, the feedback on the overall Risk Analysis was provided as a continuous document covering each of the Recommendations (including Timescale) in the original paper. Feedback on the Private Educational Institutions paper was only provided for six of the twelve Recommendations in the original, with no Ministry feedback on Recommendations 4-9. The experts might assume that this implies the Ministry agrees with Recommendations 4-9 as appropriate for implementation. However, in order for PACA to make an assessment on this issue, it will be necessary for the Ministry to respond specifically on these recommendations; the experts suggest that this could be done during the follow-up meetings scheduled for January 2012. Where feedback was provided on Recommendations in the Private Educational Institutions paper, this was as tracked comments on the original, not a separate continuous document. The experts have extracted these tracked comments as Ministry Feedback under each appropriate Recommendation (including Timescale), and then responded to each (although the experts were not completely clear on the meaning of the comments under Recommendation 12 – see below).

2.1 Recommendation 1

See p.48 of the current document.

- **Ministry Feedback**

The Government has an outlined policy in its Strategy for Higher Education, which deals with the increase of student numbers by 85% of student cohorts in 2013 and an increase in financial and human resources invested in the education system (SKALA, No.1509, dated 30/7/2008) . The policy is also set out in the Green Paper (Financial Reform), the financial reform that will support only those that prove, through the accreditation procedure, to be qualitative and non-for-profit institutions.

Alternatively, can you, please, clarify what exactly you mean by an ‘underlying policy position’: restrictive or permissive policies, totally state controlled ones or tolerant ones, and so on. If so, then we agree with the recommendation. But we feel that some alternatives/suggestions on the government position no private education need to be given.

- **Experts’ Response**

The Strategy for Higher Education 2008-2013 (Ministry of Education and Science 2008) has now been made available to the experts. As mentioned earlier, this is an impressive general document, outlining a vision for the development of Albanian higher education in line with international standards. This includes a recognition that ‘the country will require an expansion of the full-time HE system’ (par. 29), with an ‘expansion of about 30,000 students over a 5 year period’ being specified (par. 35). In the context of expansion of student numbers, the experts are not completely clear on the meaning of the phrase ‘the increase of student numbers by 85% of student cohorts in 2013’ in the Ministry feedback. The Strategy refers to student numbers increasing from 91,000 to 120,000 between 2008 and 2013 (an increase of 32%), with this linked to a target of 85% of post-secondary students enrolling in higher education (par. 35).

While emphasising that this will involve growth of student numbers in existing public universities, the Strategy seems to make clear that it will not involve an increase in the number of public universities through the establishment of new public HEIs (par. 8, 44). Rather, there will be an expansion of private HE, with an increase of the number of students in private institutions (par. 35, 47, 144, 154). Financially, there is a suggestion that private investment resources for HE can be raised by 3 times over the period 2008-2013, although this could take the form of co-funding activity within public HEIs, rather than exclusively investing in private HEIs (see par. 154).

There is also a clear statement that ‘The expansion of HE constitutes a priority which will be pursued in the future, but not at the expense of quality’ (par.35), and an emphasis that the Public Agency of Higher Education Accreditation (PAHEA) will carry out a process of external quality evaluation ‘rigorously’ for all HEIs, both public and private (par. 136).

This context relates to what the experts had in mind by referring to the ‘underlying policy position on the role of private education within Albania’. The focus in this short discussion will be on private higher education, but the general points can be applied to private school education also.

Even when the need to grow provision is a policy imperative, it does not necessarily mean that this need can only be met by a ‘let the market decide’ expansion of private institutions. As the Strategy for Higher Education itself implies, one option would be to grow public universities (possibly including new ones) by drawing on private funds to co-fund public university activity. Another option would be to use the taxation system to increase the public funding for public university growth. Of course, the Government’s analysis of its economic position may lead to a cap on what it wants to spend on public university growth.

However, given the commitment to maintaining quality standards in private as well as public higher education, and the suggestion in the earlier Private Educational Institutions paper that there may

be an inherent quality risk at this time in an excessive expansion of private education (see PACA, June 2011, p. 9, p.12), it seems reasonable to suggest that the Government may wish to have a view on how big the private sector should become, in absolute terms and as a % of overall provision.

The reference to % of overall provision also raises the issue of the costs of private education to the individual. If fees are high, is the Government relaxed about privileging a minority of the population who can access private education, especially if this is a significantly growing minority, whose growth may heighten tensions around social equality within Albania (see PACA, June 2011, p.15)?

These necessarily brief comments are not intended to suggest what Albanian Government policy should be, but to indicate, as requested, some of the experts' thinking behind this Recommendation. The experts are suggesting that there are complex issues in reaching a balanced policy between 'no private education' (which is not necessarily what the experts are advocating), and 'let the market decide'. Part of that balanced policy will certainly require robust and transparent regulatory mechanisms to ensure quality in whatever private education operates alongside public education. If a rapid expansion of private education has compromised quality, then the government may have to use licensing, regulation and inspection to prevent the private education sector expanding beyond the size which can guarantee quality. The Government may even have to reconsider overall growth targets for higher education, if privately funded HEIs are not all capable of delivering appropriate quality, and there are limits to the funds available for the growth of public HE.

2.2 Recommendation 2

See p.53 of the current document.

- **Ministry Feedback**

Referring to the statement on 'inconsistent standards across private schools', this comment is unnecessary as the minister's instructions on quality standards were approved in March 2011. Such unified

standards existed in the past, too, such as the Higher Education Law which identified and determined some unified standards, such as the number and the training/qualifications of employed staff; the instructions for licensing, for instance, determine the standards required for the infrastructure and the organisation of the study programme. That said, it is worth stating that their implementation has not gone particularly well.

Referring to the statement that there are 'standards in private higher education which generally do not match contemporary European and wider international benchmarks', we kindly ask that this comment is reviewed in light of the fact that quality standards have been based upon some of the most tested practices and benchmarks of Higher Education system of the EU.

Referring to the statement about 'many HEIs making inappropriate claims to university status', this recommendation is accepted. The Higher Education Law is not particularly clear in this regard. The Law should clearly state that the name/label of the University is protected by law. A Working Group has been established. It is looking into amendments to the Higher Education Law. It is examining the case of Poland where the label of a Higher Education Institution as a 'University' is set out clearly

- **Experts' Response**

On this first highlighted aspect of Recommendation 2, and possibly some other aspects of Recommendations within the Private Educational Institutions paper, the experts are sorry if their wording has created any potential for ambiguity. When referring to 'inconsistent standards' (in this phrase specifically across private schools), the experts were not suggesting that there were inconsistent standards across the Government's regulatory documents. As mentioned several times in the Private Educational Institutions paper, the experts see most of the Government's regulatory documents as generally very detailed and appropriate. Following the Ministry's own comment, the issue is 'that their implementation has not gone particularly well'. This may indicate problems with the application of initial licensing procedures (where criteria which seem rigorous on paper are not being fully applied

in practice), or it may indicate problems with inspection processes (where an institution's drop from initial standards is not being addressed through inspection). Examples of variable standards across private schools were given in the Private Educational Institutions paper (e.g., PACA June 2011, pp.12-13).

Again, the experts would make the same type of response on the Ministry feedback about the experts' comment on 'standards in private higher education which generally do not match contemporary European and wider international benchmarks'. The experts were not suggesting that the Albanian Government's regulatory documents failed to benchmark against such quality standards as those found in the EU higher education system. Indeed, they recognise fully that the Government has put much work into this type of benchmarking within its regulatory documentation. However, once more the problem is that there appear to be private HEIs which are not matching these standards in practice (e.g. see PACA June 2011, pp.12, 14). This raises issues on whether initial licensing and on-going quality assurance are enforcing regulatory standards with sufficient rigour.

The clearest examples given to the experts of practice not matching regulatory positions related to private HEIs unjustifiably claiming university status. Therefore, the experts very much welcome the Ministry's acceptance of this important point. The experts note the Ministry's intention to undertake further work on the definition of a 'university'. However, they would emphasise that existing documentation seems to contain key elements of any relevant definition (e.g. see PACA June 2011, p. 21, on existing State Quality Standards insisting on universities offering programmes of study for the three cycles). Again, the key point is not so much to elaborate new regulatory documentation, as to implement regulations.

2.3 Recommendation 3

See p.63 of the current document.

- **Ministry Feedback**

This is IKAP's role, the inspectorate's. (IKAP = The National Inspectorate of Pre-University Education)

- **Experts' Response**

Once more, the experts are sorry if their wording has created any potential for ambiguity. This Recommendation was seeking to make a general point about all pre-university school regulatory documentation, not simply a point about school inspection. The experts were suggesting that all documentation should make completely clear where details mainly written for public schools also apply fully to private schools, apply with modifications to private schools, or do not apply at all to private schools. School inspection was only seen as one example of this.

On inspection, previous documentation analysed in the earlier Private Educational Institutions paper referred clearly to the powers of the National Inspectorate for Pre-University Education (NIPE) applying to private schools, as well as public schools, but suggested some ambiguity on whether or not NIPE reports on private schools were sent to the RED/EO for that geographical area. Moving beyond inspection, for example the most recent version of the Draft Law on Pre-University Education (Ministry of Education and Science 2011a) makes clear that there will be separate procedures for the appointment of a private school principal (Article 66, par. 4), but does not make it absolutely clear which aspects, if any, of Articles 67, 68, 70-72 (on the qualifications and roles of teachers) apply to private school teachers. Similarly, Article 37, par. 2, makes clear that there are specific requirements on public schools to have school boards of particular composition, but it is not clear how, if at all, the 'main principles' on the rights of parents (see Article 7, par. 6,7, 8) apply to parents in private schools.

The experts are not making a major criticism of regulatory documentation, but simply suggesting that a 'tidying-up' exercise would be useful to make completely clear how general points relate to private schools specifically.

2.4 Recommendation 10

See p.66 of the current document.

- **Ministry Feedback**

This recommendation seems irrelevant. First, it has already been touched upon in Recs 1 and 2, and second, the training is unnecessary. The same people are still working at the Agency as of 6-7 years ago. The Accreditation Council is composed of academics. The procedures are clear. Implementation has not worked well due to the differentiation in subjects rather than because of lack of professionalism.

- **Experts' Response**

Again, the experts are sorry if their wording has created any potential for ambiguity. They saw this Recommendation as a more specific extension of the general points made in Recommendations 1 and 2, rather than a repetition of these earlier Recommendations. When writing the earlier Private Educational Institutions paper, the experts did not have information on the staff at PAAHE, or on the composition of the Accreditation Council. As discussed earlier, the experts' concern here was that very thorough regulatory documentation appears to exist for private HEI licensing and on-going quality assurance, but institutions operate which fall short of these regulatory standards. The experts were not necessarily suggesting a lack of professionalism among those involved (and apologise if this impression was conveyed). Especially because they were unaware of the staff involved (e.g. one possibility would have been a very high turnover of relevant staff), the experts were making what would be a standard suggestion in their own national system, i.e. that a programme of staff development would strengthen the application of regulatory criteria in practice. The experts do not see a Recommendation for staff development as necessarily a 'deficit' criticism of staff involved, but rather as the type of on-going, self-evaluative enhancing of performance which all important organisations engage in. The experts also remain unclear what is meant by the Ministry feedback comment 'Implementation has not worked well due to the differentiation in subjects'.

2.5 Recommendation 11

See p.66 of the current document.

• Ministry Feedback

Referring to the sentence 'In particular, the Government should provide a transparent description of the respective positions of the DPED, PAAHE, the Accreditation Council and Ministers, and a clear justification for the continued involvement of all these institutions in licensing', this comment is exaggerated.

There are clear distinct functions in these institutions:

- (i) DPED examines legal documents and legal and economic/financial guarantees offered by the HEI.
- (ii) PAAHE examines the study programme.
- (iii) The AC decides on whether to approve the study programme and project in its entirety from the academic point of view.
- (iv) The Minister of Education decides on the basis of the recommendations of the AC for the academic aspect and financial-legal guarantees offered by the HEI.
- (v) The Council of Ministers examined the project to see whether it is in accordance with the national strategies for the development of the country and the developments policies of the party in power.

Referring to the sentence 'Even when this review is concluded, no new private HEI licences should be issued until a comprehensive inspection of all existing private HEIs has been completed', this recommendation cannot be met as it lacks the legal rationale. There is no legal basis to stop free initiative/enterprise even if it were justified in this manner. On the other hand, a refraining policy of the sort may exist informally, but it carries the risk of being transformed into a selective mechanism and not necessarily a refraining one.

- **Experts' Response**

The experts analysed closely all the documentation provided for them on the initial licensing of private HEIs (see especially PACA June 2011, p.26). Their conclusion was that they were not completely clear on why so many bodies were involved, and on the precise differentiation between the respective roles of these bodies. This left the experts with some concerns that the processes may be unnecessarily cumbersome and bureaucratic, and carry the potential for too many points where inappropriate influence could be brought to bear. The experts are sorry if the resulting Recommendation seems 'exaggerated' to the Ministry.

The experts appreciate the attempt in the Ministry's feedback to clarify further the distinct functions of the relevant bodies. For example, it is helpful to indicate that the DPED focuses on legal and economic/financial issues (the experts' reading of earlier documentation suggested that DPED looked at all aspects of an application, including curricula and syllabuses – see PACA June 2011, p.26). However, the experts are still not completely clear on the distinction between PAAHE 'examining the study programme' and the Accreditation Council 'deciding on whether to approve the study programme and project in its entirety from the academic point of view'. They also remain unclear on the precise relationship between the Accreditation Council and the Minister in final decision-making. The previous documentation studied by the experts seemed to suggest that the Minister would simply endorse negative or positive recommendations by the Accreditation Council (see PACA June 2011, p.26), but the Ministry's feedback now seems to indicate much greater discretion to the Minister. The experts are also unclear whether it should be necessary for the full Council of Ministers to examine projects separately, as opposed to delegating this to the Minister.

Once again, the experts are sorry if they are not fully understanding some of the detailed distinctions in documentation and feedback on this Recommendation. However, they would still urge the Government to satisfy itself fully that the system of initial licensing of private HEIs

is free from unnecessary bureaucratic complication and duplication, with associated multiple points for potential inappropriate influence.

The experts are not fully clear on the Ministry's reasons for completely rejecting the recommendation to 'freeze' the issuing of any new private HEI licences for a period of time. The experts think it is appropriate for any government to have this type of policy option available to it. If there is a licensing system, then 'free initiative/enterprise' is constrained in any case in establishing private HEIs because government has judged that it should control the quality of private HE. The experts are suggesting there is currently a particular moment in time in Albania when issues with the quality of private HE threaten the overall well-being of the Albanian education system, and associated social systems. For example, the earlier Private Educational Institutions paper referred to evidence which implied there was already a 'back-log' of licensing applications which will require a 'catch-up' exercise. In such circumstances, the experts see no reason in principle why the Government should not impose a 'moratorium' on processing/issuing new private HEI licences, until the overall quality of the private HE sector has been secured by a rigorous inspection system. If it is necessary, existing legislation should be enhanced to give Government the necessary powers. The experts accept this may mean that certain potentially good-quality private HEIs will be delayed in commencing operation. However, this seems 'a price worth paying' to secure the overall quality of Albanian private HE.

2.6 Recommendation 12

See p.67 of the current document.

• Ministry Feedback

Two comments are provided on the first sentence of this Recommendation.

The first has two possible meanings:

- (i) How can you think of licensing for a three-year period, which is what the accreditation is (+1 year for conditional accreditation)

- (ii) What do you think of licensing for a three-year period, which is what the accreditation is (+1 year for conditional accreditation)

The second refers to the ‘removal of licences’, and states The Higher Education Law does not contain any sanctions other than/only on the removal of licences. Although some institutions have unlicensed programmes, no institutions have had their licences removed so far.

- **Experts’ Response**

The experts are not clear what is meant by either of the two alternatives of the first comment provided as Ministry feedback on the first sentence of this Recommendation. If these comments are implying that initial licensing of private HEIs is only for a three-year period, the experts had not noted this point from the documentation provided for the earlier Private Educational Institutions paper. However, if this is the case, the experts’ view is that this would reinforce the importance of robust on-going inspection, which could provide evidence of whether or not a private HEI should have its licence renewed.

Once more, the experts are not completely clear on the significance of the second Ministry feedback comment on the removal of licences. From documentation provided for the earlier Private Educational Institutions paper, the experts understood that suspension of a licence, as well as removal, was an option (see PACA June 2011, p.27). Even if removal is the only option, this does not affect the recommendation that the Government must make completely clear how negative inspection findings link to the removal of a licence. Given the evidence of quality issues with private HE, the experts would also observe that it could be seen as surprising that no HEIs have had their licences removed so far.

Therefore, neither of these Ministry feedback comments alter the main thrust of Recommendation 12, i.e. that full details must be clear on how robust inspection of private HEIs is conducted, and how negative inspections are linked to removal of licences.

REFERENCES

Ministry of Education and Science (2008) *On the Approval of the National Strategy for Higher Education 2008-2013*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2010) *Instruction No. 36 (dated 22.11.2010) On The Qualification Of Heads Of Pre-Schools And Schools*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2011a) *Draft Law On The Pre-University Education System In The Republic of Albania*, Tirana: Ministry of Education and Science – no date, but made available by PACA staff to experts, November 2011, with the information that submitted to the Council of Ministers by Ministry of Education and Science, June-July 2011.

Ministry of Education and Science (2011b) *Order No.336 (dated 14.07.2011) Adopting The Regulation "On The Organisation And Implementation Of Professional Practice In The Regulated Teacher Profession", With The Associated Regulation, Including Annexes*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (2011c) *Regulation On Competition, Appointment And Removal Of Principals Of Education Institutions In Public Pre-University Education, With Associated Annexes*, Tirana: Ministry of Education and Science – no date, but made available by PACA staff to experts, November 2011.

Project Against Corruption In Albania (PACA) (April 2011) *Risk Assessment Of The Albanian Education System (Incorporating Analysis Of The System For The Recruitment, Appointment And Promotion Of Education Teaching Staff In The Compulsory Education System) prepared by Ian Smith and Tom Hamilton, Council of Europe Experts*, Council of Europe/European Union.

Project Against Corruption In Albania (PACA) (June 2011) *Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions In Albania prepared by Professor Ian Smith and Tom Hamilton, Council of Europe Experts*, Council of Europe/European Union.

**FINAL ASSESSMENT OF THE USE OF PACA
RECOMMENDATIONS FOR THE ALBANIAN
EDUCATION SYSTEM**

Prepared by PACA Project Team February 2012

ECS/PACA-01/2012

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INTRODUCTION

In September 2010 a PACA expert from the General Teaching Council of Scotland (GTCS) provided a commentary on an existing draft Code of Conduct for Teachers. During the first half of 2011, two other experts from the GTCS completed two Technical Papers for the Council of Europe/EU project against Corruption in Albania (PACA): a 'Risk Assessment Of The Albanian Education System (Incorporating Analysis Of The System For The Recruitment, Appointment And Promotion Of Education Teaching Staff In The Compulsory Education System)', finalised in April 2011; and 'Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions Within Albania', finalised in June 2011. These assessments also reiterated the recommendations of the review of Code of Conduct, the preparation of which was delayed by the Ministry on the basis that it needed to complete the draft Law on Pre-University Education first.

Written feedback on the risk assessments was received from the Ministry of Education and Science between July and September 2011, to which the experts provided a response in the form of Technical Paper ECS-PACA-21/2011 - 'Response to and recommendations concerning Ministry of Education and Science feedback on PACA assessments of the Albanian education system'. On 16 January 2012 PACA received an updated set of responses of the Ministry to the PACA assessments, and on 17 January 2012 the experts and PACA team held a meeting at the Ministry with key officials to discuss the findings and recommendations. The content of the updated written response of the Ministry together with the information provided during the meeting are used in this paper to provide a final assessment.

The original version of this paper was organised in the form of a table containing i) the PACA recommendations, ii) the overall response of the Ministry of Education and Science to the recommendations, and iii) PACA's final assessment of this response. The current version only includes PACA's final assessment of the Ministry's response, initially an overall summary assessment, followed by an assessment of the response to each recommendation.

It should be noted that this final assessment does not systematically take into account the changes in the draft Law on Pre-University Education, which was provided to PACA only just before the experts' visit in January 2012. Where changes in the draft have been obvious and relevant, these have been mentioned in this assessment, but this assessment should not be regarded as covering all of the changes in the draft.

Summary of assessment

Concerning fulfilment of PACA recommendations, PACA's assessment is as follows:

- Of the 15 recommendations in the Risk Assessment Of The Albanian Education System (Incorporating Analysis Of The System For The Recruitment, Appointment And Promotion Of Education Teaching Staff In The Compulsory Education System)', one recommendation is implemented completely (4), two recommendations are implemented to a significant extent (3, 12), two are implemented partially (8, 10), two are implemented to a limited extent (1, 2), three are not implemented (7, 11, 13), the extent of implementation of one recommendations is unclear (9), and in the case of four recommendations (5, 6, 14, 15) PACA is satisfied with the Ministry response or the recommendation is not crucial. In general, PACA's assessment is that while the draft Law on Pre-University Education represents a major step forward in the legal framework, important issues or concerns still remain with regard to the Code of Conduct and Standards for Teachers, teacher education, procedures for appointment and dismissal of teachers and principals, private tutoring, and corruption in public universities.
- Of the 12 recommendations in the Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions Within Albania, two recommendations are partially implemented (1, 10), eight recommendations are not implemented but the Ministry has expressed a general commitment to implementation (2-8, 12), and two recommendations are not implemented (9, 11). In general,

PACA's assessment is that while important steps are being taken in some areas, major issues remain in need of concrete policy steps, in particular to ensure that procedures for accreditation, licensing and inspection are absolutely clear, and that private education institutions meet their legal and societal obligations, including through effective inspection and enforcement.

PACA FINAL ASSESSMENT

<p>PACA FINAL ASSESSMENT</p> <p>Assessment of Ministry response to individual Recommendations</p>
<p>Risk Analysis Of The Albanian Education System (Incorporating Analysis Of The System For The Recruitment, Appointment And Promotion Of Education Teaching Staff In The Compulsory Education System</p>
<p>Recommendation 1, see p.17 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • Commitment of the MoES to the Code and Standards is welcome. • Code of Conduct is not mentioned explicitly in the draft law, and the provision on teacher dismissal is not sufficiently specific – dismissal is not explicitly for violation of Code of Conduct. • National campaign to disseminate principles of conduct is still needed. • Summary: implemented only to a limited extent
<p>Recommendation 2, see p.18 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • PACA emphasises that key issues remain to be considered at University level, including the possibility of delaying the choice to enter school teaching programmes until Masters level. • Summary: implemented only to a limited extent, with more action needed at University level.
<p>Recommendation 3, see p.19 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • New regulation on internships is a very positive development, but role of universities in professional practice internship needs to be clarified. • It is still not clear why a separate state examination for teachers is needed if university master's programmes for teachers are established and are to be supplemented by a professional internship scheme. • Summary: implemented to a significant extent, but issues of concern remain.

<p>Recommendation 4, see p.20 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • PACA accepts that teacher salaries are no longer a significant concern and is fully satisfied with MoES response. • PACA's only suggestion is here is to perhaps raise awareness in the public about the increases in teacher salaries, as a number of respondents in interviews disputed the extent of the increases. Raising awareness in this way would be another way of increasing resistance to corruption among parents/students. • Summary: recommendation implemented
<p>Recommendation 5, see p.21 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • PACA accepts that class sizes may not be a significant corruption risk and is fully satisfied with MoES response.
<p>Recommendation 6, see p.22 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • PACA accepts that this is not a crucial issue for the risk assessment, and is fully satisfied with MoES response.
<p>Recommendation 7, see p.22 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • The draft Law (Article 55. for principals, 60.1 for teachers) requires 'open competition' but does not explicitly require open advertisement of positions. PACA wishes to underline the importance of this explicit requirement, which could be worded similarly to the requirement for recruitment of school principals in the 2011 Regulation on Competition, Appointment and Removal of Principals in Public Pre-University Education, or - even better - requiring posting of positions on the MoES website. • Summary: recommendation not implemented.
<p>Recommendation 8, see pp.23-4 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • Development of the new legal framework is a very important step forward • However, concerns remain, specifically on the continuing role of REDs in teacher appointments. PACA's recommendation is to decentralise recruitment entirely to principals and school boards, although we recognise that the proposed law represents a big change from previous practice. • It is vital to ensure that evidence from the professional practice internship is used fully in recruitment and appointment procedures. • Summary: recommendation partially implemented

Recommendation 9, see p.26 of the current document for the Recommendation

- The issue of job stability is not entirely clarified by the MoE response – for example, what proportion of teachers are temporary?
- It is also not entirely clear precisely how teachers are to obtain permanent posts. If ‘portfolio’ refers to the internship and ‘qualification’ refers to the envisaged State Exam, PACA wishes to emphasise that the open competition for permanent posts should take place after the internship.
- Summary: unclear to what extent recommendation is being implemented.

Recommendation 10, see p.27 of the current document for the Recommendation

- Regulations under preparation are a very important step forward, but it is not clear why the RED should have discretion to choose between two candidates with no criteria for this choice. PACA recommends that the Commission should submit one candidate to the RED, which should only be able to endorse or reject the candidate, and that any final endorsement or rejection by the RED Director of the candidate recommended by the Commission should be based on an explicit use of the points scoring system.
- The points scoring system might deserve further attention before it is finally approved to ensure that the factors taken into account are comprehensive and sensibly weighted. If social skills etc are to be taken into account in the appointment process then they should be included in the points system.
- PACA considers it important that criteria for appointment to Principal should include successful completion of advanced leadership study on an accredited public university course; the January 2012 version of the draft Law has deleted a provision in the June 2011 draft which required principals to hold a certificate of qualification based on a ministry examination and training.
- The draft law provides that principals are appointed for five-year fixed terms. PACA believes it would be better for principals to be appointed with no explicit term, with clear criteria for dismissal.
- Summary: recommendation is partly implemented.

Recommendation 11, see p.30 of the current document for the Recommendation

- PACA wishes to reiterate that on the evidence from the research conducted for the risk assessments – and especially interviews with pupils and parents - private tutoring by teachers of their own pupils remains a widespread problem.
- While PACA recognises the State Matura reform as a successful one, it is not clear that it has led to a reduction in private tutoring. A more demanding (and less corruptible) final examination might even raise demand for private tutoring if pupils now need better preparation.
- The provision of the Draft Law on dismissal of teachers does not refer explicitly to the Code of Conduct. Nor has the Code been approved, therefore it is not clear that it will contain a provision on private tutoring. It is therefore strongly recommended to include in the Law an explicit prohibition on private tutoring by public school teachers of their own pupils for financial gain.
- The Ministerial Order mentioned was provided to PACA during the meeting on 17 January 2012, but was the same as an Order provided in 2010; the Order establishes rules on provision of consultations to pupils during Matura preparation, and does not mention or prohibit private tutoring by teachers of their own pupils for money.
- The 2002 by-law was provided to PACA for the first time during the meeting held on 17 January 2012. It appears to be unknown to other stakeholders, and the by-law in general has not been updated (for example to reflect the extension of obligatory education from 8 to 9 grades).
- Summary: recommendation not implemented

Recommendation 12, see p.34 of the current document for the Recommendation

- PACA welcomes the new provision on invigilation, which was a key concern of the assessment.
- It would be advisable to accompany the new changes with a national campaign to raise awareness of the unacceptability of cheating, both among pupils and teachers.
- PACA wishes to underline PACA does not have any significant concerns regarding the integrity of Matura exam paper distribution.
- Summary: recommendation implemented to a significant extent.

Recommendation 13, see pp.37-8 of the current document for the Recommendation

- Public universities provide a service that is of fundamental public interest, and if corruption is widespread or a significant problem then this is a public policy issue.
- The statement of the Ministry regarding the prevalence of corruption does not appear to be based on any identifiable research; in contrast, the PACA assessment refers not only to the experts' own findings, but also other published survey evidence. PACA continues to recommend that the Government/Ministry should at least work with university leadership to try and establish the extent of the corruption problem in public universities.
- PACA acknowledges the Ministry's concern over the suggestion that not all allocated funds reach universities, and wishes to stress that this was written after an analysis of one set of interviews, albeit with senior university staff. PACA is satisfied with the Ministry's response
- Summary: recommendation not implemented

Recommendation 14, see p.41 of the current document for the Recommendation

- The PACA Risk Assessment does not identify any major problems in the Altertekst system, and its recommendations were either not high priority (e.g. on anonymisation of textbooks) or for future consideration, notably to review whether the significant resources currently devoted to eliminating corruption in the textbook system could be re-allocated to other more pressing concerns.

Recommendation 15, see p.42 of the current document for the Recommendation

- PACA acknowledges the Ministry's assurances that the recommendation is implemented, and wishes to underline that – while an extremely important issue – this issue was not a core concern for the corruption risk assessment.

Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions Within Albania

Recommendation 1, see p.48 of the current document for the Recommendation
Recommendation 2, see p.53 of the current document for the Recommendation

- PACA welcomes the Strategy on Higher Education.
- Regarding the underlying policy position, it may be appropriate for the government to have a view on what proportion of higher education provision should be provided by private HEIs.
- Concerning standards and quality of provision, it is important to be clear that the issue is not about formal standards but their implementation and enforcement, specifically whether initial licensing and on-going quality assurance are enforcing the standards. In this context, until licensing, accreditation and inspection processes are consolidated satisfactorily, there are inherent risks in continuing with an ambitious expansion of private higher education, and it would be better to limit growth until the necessary quality-assurance mechanisms are not only under preparation, but are in place and functioning well.
- Summary: Recommendation 1 partially fulfilled. Recommendation 2: not implemented, although the Ministry states that measures to do so are planned

Recommendation 3, see p.63 of the current document for the Recommendation

- Summary: general Ministry commitment to implementation, but detailed policies will be necessary to demonstrate this.

Recommendation 4, see p.64 of the current document for the Recommendation

- PACA's understanding is that the Ministry envisages the Code as applying to all teachers. If this is the case, then implementation depends on approval and dissemination of Code of Conduct and Standards.

Recommendation 5, see p.64 of the current document for the Recommendation

- Summary: not implemented, but general Ministry commitment to implementation.

Recommendation 6, see p.64 of the current document for the Recommendation

- Summary: not implemented, but general Ministry commitment to implementation.

Recommendation 7, see p.65 of the current document for the Recommendation

- Summary: not implemented, but general Ministry commitment to implementation.

Recommendation 8, see p.65 of the current document for the Recommendation

- Summary: not implemented, but general Ministry commitment to implementation.

<p>Recommendation 9, see p.66 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • Summary: not implemented currently, and implementation will require any new Law to be applied retrospectively to existing HEIs claiming university status.
<p>Recommendation 10, see p.66 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • Staff development initiatives are very welcome, and their sustainability will be key. • Summary: recommendation partly implemented.
<p>Recommendation 11, see p.66 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • It is still not entirely clear why so many bodies are involved, or what is the precise distinction between their roles in initial licensing. Specifically, not clear: what is the distinction between PAAHE examining study programme and AC deciding whether to approve it; what is the extent of the Minister's discretion in final decision; why the Council of Ministers is involved at all. • Licensing is based on the principle that markets cannot be left to operate in an uncontrolled way, and at this point in time concerns over the quality of private HEIs are serious enough to justify a moratorium until quality issues with existing HEIs are resolved. • Summary: recommendation not implemented
<p>Recommendation 12, see p.67 of the current document for the Recommendation</p> <ul style="list-style-type: none"> • PACA understands that removal of an HEI license currently remains the only option for sanctioning violations, and that the MoES is to initiate amendments to the law to introduce a wider range of sanctions. • The Ministry statement on its activities in controlling/inspecting HEIs are welcome, but it is not clear what is meant by 'working groups' (ad hoc?). A key condition for effective inspection will be the establishment of clear inspection procedures, which has not begun although the Ministry has stated its intention to do so (see response to Recommendations 1-2) • Summary: not implemented, although the Ministry states that measures to do so are planned.

**ASSESSMENT OF PROVISIONAL SYSTEM OF
INSPECTIONS OF HIGHER EDUCATION INSTITUTIONS
AND RECOMMENDATIONS FOR THE FUTURE
INSPECTION SYSTEM**

*Prepared by Professor Ian Smith and Tom Hamilton,
Council of Europe experts,
June 2012*

ECU-PACA-7/2012

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INTRODUCTION

The experts' June 2011 paper 'Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions Within Albania' included specific recommendations on the need to review the systems for the initial licensing and on-going inspection of private higher education institutions (HEIs) to ensure that only those HEIs meeting appropriate standards were allowed to operate (see particularly Recommendations 2, 9, 10, 11, 12). In the February 2012 'Final Assessment Of The Use Of PACA Recommendations For The Albanian Education System', the PACA Team judged Recommendation 10 had only been partially implemented, Recommendations 2 and 12 had not been implemented (although a general commitment to implementation had been expressed), and Recommendations 9 and 11 had not been implemented. The Assessment concluded that 'major issues remain in need of concrete policy steps, in particular to ensure that procedures for accreditation, licensing and inspection are absolutely clear, and that private education institutions meet their legal and societal obligations, including through effective inspection and enforcement' (PACA, February 2012, p.4).

Therefore, when PACA extension activities were identified in April 2012, it was agreed that the project would provide further assistance on the inspection of (private) HEIs. The current Technical Paper is the first of three which will address this topic between June and September 2012, leading to related training for MoES officials between November and December 2012.

The experts were asked to focus on the following aspects in the current paper:

- (a) An assessment of the temporary Ministerial 'Monitoring Platform' for inspection of HEIs (MoES April 2012)
- (b) A general explanation, with reference to European best practices, of

- i) how inspections of HEIs should differ from inspections of pre-university education institutions
 - ii) how inspection competencies should be divided between ensuring the legality of operation of HEIs on the one hand and assuring quality standards on the other, and a recommendation on whether a system of division of competencies between the Accreditation Agency and the MoES is workable
 - iii) whether inspection of HEIs should be entrusted to an enlarged National Inspectorate for Pre-University Education, or to a new institution specifically formed for this purpose
- (c) Recommendations for amendments relating to inspections to the Law on Higher Education (Albanian Parliament May 2007)
 - (d) Recommendations on the main criteria for i) launching and ii) conducting HEI inspections
 - (e) Recommendations on the main content of HEI inspection procedures, from decisions to launch an inspection to the final inspection report
 - (f) Recommendations on the main inspection standards, i.e. the criteria by which HEIs are evaluated

1 SUMMARY OF FINDINGS AND RECOMMENDATIONS

In the original version of this Technical Paper, this section contained a full repeat of the Recommendations contained within the main text. In the current version, the Recommendations only appear at the appropriate places in the main text.

2 GENERAL APPROACH TO QUALITY ASSURANCE AND ENHANCEMENT OF HEIS

- **European best practices**

In approaching the various issues and topics within this paper, the experts have been asked to refer to European best practices in higher education (HE) quality assurance. This is done partly by considering the European-wide overview provided by the European Association for Quality Assurance in Higher Education (ENQA), and reference will be made to ENQA documentation. More specifically, European best practices will be illustrated through the work of the Quality Assurance Agency for Higher Education (QAA) in the UK, both the QAA's general approaches UK-wide and the QAA's particular approaches within Scotland (within an overall UK-wide framework, there are some variations in the Scottish-specific approaches). Reference will be made to both QAA UK and QAA Scotland documentation. Of course, the approaches and documentation of QAA UK and QAA Scotland are being used to illustrate ways of delivering European best practices. They are not being presented as the only way of achieving European best practice, binding in every detail.

- **Private higher education and obligations on positive ethical principles of professional behaviour, leading to robust internal quality assurance**

The experts have already argued in their April 2011 Risk Analysis that the most positive future development of the Albanian education system, consistent with best practice in European standards, will ultimately only be achieved on the basis of all relevant stakeholders within Albanian society embracing positive ethical principles of professional behaviour, rather than simply relying on top-down mechanistic regulatory measures (PACA, April 2011, pp.12-15). In their June 2011 Technical Paper on Private Education, the experts emphasised that it was important to take this approach to private education, as well as public education (PACA, June 2011, pp.8-9, 34). To expand on this latter point, private education can only make an appropriate contribution to a national education system

if its main motivation is to provide its students with high-quality learning and teaching experiences, and valid and reliable assessment and certification consistent with European standards. Some private providers may wish to do this on a 'not-for-profit' basis. However, even those providers who seek to work on a 'for-profit' basis must at all times respect the integrity of learning, teaching and assessment, and avoid compromising this integrity simply to manipulate supposed educational provision for maximum profit. In particular, there is no place in education for offering and making academic awards which are not based on full student participation in learning and assessment experiences that are appropriately demanding. It follows from this that the ultimate quality of private educational provision will depend on the complete commitment of providers to the fullest ethical principles in professional practice, binding in the same way as these should be for those involved in public education. This recognises the key principle in European best practice on HE quality assurance that the primary responsibility for quality rests with the HEIs themselves, and any system of external quality assurance builds upon, and draws from, robust internal quality assurance (see ENQA 2012a; ENQA 2012b, p.5; ENQA 2009, p.14 and Standard and Guidelines 2.1, p.20; QAA Scotland 2008, p.15).

- **A national system of quality assurance for both the private and public universities**

Therefore, particularly in the context of HE, the experts believe that Albania should be aiming to move towards a system of quality assurance which applies European best practices to both public and private HEIs. Essentially, private HEIs should be expected to meet the same standards as the public HEIs, and the public HEIs should be accountable through the same quality assurance mechanisms as the private HEIs. There need be no concern that the inclusion of public HEIs on the same basis as private HEIs within a robust national system of HE quality assurance compromises the appropriate institutional independence of HEIs such as public universities. European best practice emphasises that recognition of the autonomy of public HEIs is a key principle of quality assurance, and this is delivered across a wide range of national systems

(see ENQA 2009, p.15). The recognition of this principle is also important in avoiding the risk of excessive bureaucratisation of HE (see Report of the Review of Higher Education Governance in Scotland 2012, p.25), and in ensuring that there is respect for appropriate diversity among HEIs (see QAA Scotland 2008, p.4).

- **Quality enhancement, which includes quality assurance**

If both public and private HEIs demonstrate the fullest respect for the integrity of appropriate learning, teaching and assessment, the Albanian HE system should be able to target the development of a quality assurance system which addresses the broad, positive development of on-going **enhancement** of provision, rather than a system focused primarily on a narrower agenda of compliance-based regulatory mechanisms to address deficit practices, such as awarding degrees under false pretences to students who have not completed appropriate courses and assessments successfully, failing to maintain accurate student records, or failing to keep full and accurate records of staff qualifications. This narrower agenda falls well short of European best practices. Of course, in the short-term, this approach may have to be qualified to ensure that certain immediate issues of concern with private HEIs are addressed robustly. However, the longer-term aim must be to move towards a system based on the principle of continuous enhancement. On the other hand, there is no contradiction between the ultimate aim of quality enhancement and the maintenance of on-going quality assurance. In this context, enhancement includes assurance, i.e. an effective enhancement strategy also involves assuring that standards and quality are being appropriately maintained (see QAA Scotland 2008, p.3, 13). Adopting this approach, the experts propose that Albania should move from the term 'inspection' of HEIs to terms which reflect a more positive system involving review for quality enhancement and assurance. For example, QAA Scotland uses the term Enhancement-led institutional review (ELIR). Even if this particular term is not exclusively adopted, the rest of this paper will at least use terms such as HE quality review, HE review for quality enhancement and assurance.

- **The official status and independence of a national agency for quality assurance and enhancement in higher education**

In approaching the specific issues identified by PACA, the experts draw from European best practice the principle that the quality assurance and enhancement of HE should be taken forward within national systems by specific HE quality agencies, with significant powers and sufficient independence from central government and its departments. As ENQA stresses, higher education quality assurance agencies must have official status and an established legal basis (ENQA 2009: Standard 3.2, p.24), but they must also be ‘independent to the extent both that they have autonomous responsibility for their operations and that the conclusions and recommendations made in their reports cannot be influenced by third parties such as higher education institutions, ministries and other stakeholders’ (ENQA 2009: Standard and Guidelines 3.6, p.25). ENQA documentation lists a large number of such agencies across Europe, all of which indicate a degree of independence under ‘Ownership’ (ENQA 2012 c). This independence can be seen specifically in the corporate governance of the QAA in the UK, which is governed by its own independent Board (QAA UK 2012a).

***Recommendation 1:* The Albanian Government should move towards a higher education (HE) quality assurance system which reflects European best practice. This will require all involved in private (and public) HEIs to commit fully to positive ethical principles of professional behaviour. Rather than narrow inspections focusing on ‘deficit’ issues such as problems with student records, diploma processing and records of staff qualifications, the future system should be based on reviews of HEIs for continuous enhancement of quality of provision, which will also provide assurance on the maintenance of standards. This system of enhancement-led institutional review should apply fully to both private and public HEIs, and should be taken forward by an appropriately independent, specific HE quality agency (most probably based on a strengthened version of the current Public Agency of Accreditation for Higher Education [PAAHE] and Accreditation Council).**

3 THE TEMPORARY MINISTERIAL ‘MONITORING PLATFORM’ FOR QUALITY IN PRIVATE HEIS (MOES APRIL 2012)

The experts have been asked to assess whether the temporary Ministerial ‘Monitoring Platform’ for inspections of HEIs establishes procedures for the activities of the working groups set up by the MoES to inspect HEIs that may be useful for future sub-legal acts on higher education inspections.

It is the experts’ understanding that the ‘Monitoring Platform’ has been produced for the short-term to enable MoES working groups to undertake urgent inspection of private HEIs, in the light of recent specific concerns around quality, particularly involving inappropriate issuing of academic awards. Given the concerns which they have expressed in their earlier Technical Papers around the need for more robust quality assurance of private HEIs, the experts understand the need for immediate action here. However, the ‘Monitoring Platform’ seems only of limited value in moving towards the type of quality assurance and enhancement system advocated by the experts for the long-term. As will be detailed subsequently in Sections 4.3 and 7, it is proposed that reviews of HEIs should be carried out by teams working on behalf of a specific national agency for HE quality enhancement and assurance, based on a newly-strengthened Public Agency of Accreditation for Higher Education (PAAHE) and Accreditation Council, not by MoES working groups. These reviews should cover a wide range of aspects of educational provision, especially relating to the quality of student learning experiences and the standards achieved through assessment approaches, and not focus unduly on deficit agendas around student records, diploma processing, and records of staff qualifications. Certainly, future reviews for quality assurance and enhancement should include visits, meetings with staff, and consideration of documents. However, within any relevant ‘sub-legal acts’, these aspects will need to be detailed more thoroughly than in the ‘Monitoring Platform’. In addition, the definition of ‘sub-legal acts’ will need to be considered carefully in the context of quality assurance and enhancement being carried out by an essentially independent agency.

Recommendation 2: The temporary Ministerial ‘Monitoring Platform’ for inspection of HEIs (April 2012) should not be used as a basis for a future review system of HEIs for quality enhancement and assurance, or for any sub-legal acts associated with this. As will be detailed in subsequent recommendations, any future system will need to move beyond the ‘Monitoring Platform’ by using a separate HE quality agency to address a wider quality enhancement agenda, particularly in relation to the quality of student learning experiences and the standards achieved through assessment approaches.

4 THE INSPECTION OF HEIS, THE INSPECTION OF PRE-UNIVERSITY EDUCATION AND THE ROLE OF THE MINISTRY

In this Section, the experts have been asked to consider three related issues, with reference to European best practices: firstly, the comparison between inspection of HEIs and inspection of pre-university institutions; secondly, the relationship between ensuring legality and assuring quality within inspections, and the implications of this for the roles of an HE quality agency and the MoES; and thirdly, whether HE inspection should rest with an enlarged National Inspectorate for Pre-University Education (NIPE) or a new specialist agency.

4.1 Inspection of HEIs and inspection of pre-university education institutions

The experts have been asked how inspections of HEIs should differ from inspection of pre-university education institutions, both in terms of procedures and content/criteria. This question will be considered specifically through examples from Scotland, referring to the approaches of QAA Scotland to review of HEI quality enhancement, and the approaches of Her Majesty’s Inspectorate of Education (HMIE) to school inspection. HMIE is a long-established body which has inspected Scottish schools on behalf of Scottish Government Ministers; it recently joined with the curriculum development organisation Learning & Teaching Scotland to form a single body, Education Scotland.

Key documents as references for the work of QAA Scotland and HMIE include the 'Enhancement-led institutional review handbook: Scotland' (Second edition) (QAA Scotland 2008); the 'UK Quality Code for Higher Education' (QAA UK 2012b); 'Principles of inspection and review' (HMIE 2011a); 'Arrangements for inspecting schools in Scotland' (HMIE 2011b); and 'How Good Is Our School?' (HMIE 2007).

Before identifying differences between review of HEI quality enhancement and pre-university school inspection, it is important to emphasise that these share some significant similarities in best practice. Both share a commitment to the continuing enhancement of provision, especially focusing on the experiences of the learners (whether these are school pupils or HEI students). Both stress the crucial importance of institutional self-evaluation, the initial use of this self-evaluation in any external review/inspection process, and the inclusion of judgements about on-going capacity for self-evaluation in any external review/inspection reporting.

However, significant differences can be identified:-

- On procedures, HEI quality review will give more recognition to the entitlement of the institution to academic autonomy within an international HE environment, compared to pre-university schools being seen as much more constrained within a predominantly state-funded national school system.
- HEI quality review teams will include greater and more direct representation of academic peer reviewers, including from other countries. While school inspection teams may include staff from other schools as 'associate assessors', essentially they will comprise, and be led by, permanent inspectors.
- HE students will be represented directly as HEI quality review team members, while school pupils will only be consulted during inspection, and there will be no pupil members of inspection teams.
- The documentation, including self-evaluation documentation, required from HEIs is likely to be more elaborate and extensive than the documentation required from schools.

- HE quality review is unlikely to involve direct observation of teaching as a method of reviewing quality of learning and teaching experiences, instead approaching these indirectly through review of the institution's self-evaluation of teaching and learning, and conversations with students and staff around this. While such conversations will also take place with pupils and staff in schools, direct observation of teaching and learning will be a major part of school inspection.
- HEI quality review will involve a two-stage 'first and second visit' approach, while school inspection will generally involve one major visit.
- While HEI quality review reports attempt to give full consideration to the need for brevity and simplicity for a wider readership, they will remain longer and more detailed than any final reports published on individual school inspections. In particular, school inspection reports will target parents as a key audience.
- Indeed, this reflects the fact that school inspections will engage much more directly with parents and a specific local community. HEI quality reviews will engage with students, not parents, and will not focus exclusively on very localised community engagement, such as a school has with its specific geographical area.
- On content/criteria, the HE and pre-university school sectors will be working towards distinctive and separate national documentation.

As will be discussed in more detail in Section 8, HE in Scotland and the rest of the UK must address the UK Quality Code for Higher Education (QAA UK 2012b). This sets out the formal expectations that all UK HE providers reviewed by QAA are required to meet. Meeting these expectations assures the academic standards of the HEI, the quality of the learning opportunities it offers, its commitment to continuous and systematic enhancement of quality, and the nature and quality of the information it provides publicly. The UK Quality Code contains three parts. *Part A: Setting and maintaining threshold*

academic standards comprises six chapters on issues relevant to the setting and maintaining of academic standards, including subject and programme level issues, and issues on assessment of achievement of learning outcomes. *Part B: Assuring and enhancing academic quality* comprises eleven chapters on issues relevant to ensuring that the quality of learning opportunities meets expectations and is continually being improved, including such topics as student admissions, learning and teaching, student support and guidance, external examining. *Part C: Information about higher education provision* is shorter and not subdivided into chapters, but addresses how providers make available information that is fit for purpose, accessible and trustworthy. Section 8 will return to the details of the UK Quality Code.

Schools in Scotland are expected to address the Quality Indicators (QIs) in *How Good Is Our School?* (HMIE 2007). There is some similarity between aspects of these QIs and the UK Quality Code for Higher Education in the very general sense that substantial parts of both relate to the quality of learning. For example, *How Good Is Our School* has a number of QIs on *Delivery of education*, covering such aspects as the curriculum, assessment for learning and meeting learner needs. However, even within the area of quality of learning, there are clearly very specific differences between how quality criteria are developed for HE and schools. For example, *How Good Is Our School* includes a QI relating to the school's communication and liaison with parents over their children's learning.

There are also significant differences in the way judgements are made against criteria for HE quality review and school inspection. A single overall judgement in QAA Scotland quality enhancement reviews is made on the HEI's current, and likely future, management of the academic standards of its awards and the quality of the student learning experiences it provides. This involves expressing a level of confidence in one of three forms: confidence; limited confidence; no confidence. In the school inspection process, a more differentiated approach is taken to graded judgements, in addition to overall expressions of confidence. The QIs in *How Good Is Our School?* were written around a six-point scale, which are also used

to report evaluations on certain QIs. The scale involves: excellent; very good; good; adequate; weak; unsatisfactory. The experts do not think this type of more differentiated grading is appropriate to quality enhancement review in HE, and would not go beyond the three levels of confidence in HE quality enhancement reporting.

Recommendation 3: The review of HEIs for quality enhancement and assurance should differ very significantly from the inspection of pre-university schools. Within an HE environment, fuller recognition should be given to institutional academic autonomy. HEI quality review teams should include a greater role for peer reviewers, including international reviewers, and for student reviewers. HEI quality review teams should require fuller documentation, including self-evaluation materials, and review learning and teaching largely through such documentation, and discussions with staff and students, rather than through direct observation of teaching. HEI quality review teams should consider the relationship of HEIs with wider society, rather than simply the parents of students and a very local community. The quality review of HEIs should relate to specific HE quality standards, and should arrive at a single overall judgement which expresses a level of overall confidence in the HEI, rather than producing a series of graded judgements for a number of individual quality indicators.

4.2 Division of inspection competencies between ensuring legality of operation and assuring quality standards, and division of competences between the Accreditation Agency and MoES

The experts have been asked how inspection competencies should be divided between ensuring the legality of operation of HEIs on the one hand (e.g. preventing the issuance of fake degrees, opening of courses that were not permitted during licensing/accreditation) and assuring quality standards on the other. They have also been asked for a recommendation on whether a system of division of competencies between the Accreditation Agency and the MoES is workable.

As discussed earlier, the experts are looking for the long-term establishment of a culture in Albanian HE where all HEIs, including private HEIs, are completely committed to ethical principles in

professional practice which will render as ‘unthinkable’ corrupt behaviours such as the issuing of degrees to students who have not fully attended appropriate courses and successfully completed valid and reliable assessment processes. Within such a culture, the national system of HE quality assurance and enhancement should be able to focus almost exclusively on the quality of educational provision, rather than having to devote time to ensuring that ‘illegal’ and corrupt practices are eliminated. If such a culture is established, Albania should be able to adopt European ‘best practices’, which do not require the positive focus on review of quality enhancement to be unduly ‘skewed’ by a need to focus narrowly on a ‘deficit’ illegality agenda.

For example, certainly the UK’s QAA core documentation contains references to some aspects which could conceivably be linked to such a narrower agenda, such as Part C of the UK Quality Code for Higher Education, with its central Expectation including the requirement that HEIs provide information for external audiences which is ‘trustworthy’. In addition to such core references, the QAA, both in Scotland and the rest of the UK, has specific protocols for investigating any concerns raised with it where serious systemic or procedural problems on standards and quality are suspected in an HEI, or where there are concerns about the accuracy and completeness of information published by an HEI (QAA UK 2012c; QAA Scotland 2012). However, in an HE system such as the UK’s, these protocols are unlikely to be required.

Of course, in a country like the UK, there are also parallel legally based systems which can be invoked if any ‘illegal activity’ is suspected beyond the legally approved HE system. For example, the Department of Business Innovation & Skills holds lists of the ‘Recognised bodies’, essentially all UK universities, which have degree awarding powers, as granted by the Privy Council. These Privy Council decisions are based on recommendations of the QAA. The Department for Business & Skills also holds the details of ‘Listed bodies’, institutions which do not have degree-awarding powers but are recognised as being able to offer courses leading to a degree of a Recognised body. These institutions can include a range of providers,

such as publicly-funded or private colleges. Again, the QAA will be involved in reviewing the HE provision of these institutions. However, any incidents of other institutions attempting to claim that they can award degrees of Recognised bodies would be referred to the local Trading Standards Department for investigation under the relevant legislation, with prosecution following if appropriate. However, in the UK, there is no systemic need to utilise such legal possibilities.

In summary, in a system like the UK's, the QAA/QAA Scotland is free to focus on the wider positive quality enhancement agenda, although it can investigate any deficit 'causes of concern' separately from regular quality enhancement review. If any illegal abuses were to emerge outside legally approved HE provision, such as private institutions which are not Listed bodies claiming to offer courses leading to degrees of a Recognised body, other legal processes could be utilised in the UK. The experts would suggest that the Albanian Government should adopt an approach similar to that outlined for the UK. This would leave a newly-strengthened HE quality agency with overall responsibility for standards in HE, rather than MoES. However, as will be detailed elsewhere in this Technical Paper, the new national HE quality agency should be able to take immediate action outside normal review cycles, and contact the MoES regarding such sanctions as suspension or withdrawal of licence, where there are serious 'causes of concern' that a private HEI is not meeting appropriate standards. Additionally, the experts propose that any evidence for illegality detected by the HE quality agency should be referred to the branches of the law enforcement agencies and the legal system which deal more generally with acts of criminal deception, rather than expecting MoES to take action.

Recommendation 4: A newly-strengthened national agency for HE quality enhancement and assurance should have overall responsibility for assuring of the fulfilment of all standards in HE. However, this agency should primarily focus on the wider quality enhancement agenda for the educational aspects of provision. If, in the course of its work, the agency finds evidence of serious failure of a private HEI to meet appropriate standards, it should approach MoES immediately

with a view to securing suspension or withdrawal of licence, and such a procedure should be followed both within and outside normal review/assessment cycles. If the HE quality agency uncovers evidence of specific illegality in provision (such as degrees being awarded under false pretences to students who have not completed appropriate courses and assessments successfully), it should immediately provide this evidence to the law enforcement agencies which deal with general dishonesty of this sort. All appropriate and robust action should then be progressed through the legal system. The MoES should not be directly involved in these processes, but may be involved, along with the HE quality agency, in any subsequent suspension or removal of an HEI's licence.

4.3 Inspection of HEIs: an enlarged National Inspectorate for Pre-University Education vs. a new specific institution

The experts have been asked to consider whether inspection of HEIs should be entrusted to an enlarged National Inspectorate for Pre-University Education (NIPE) or to a new institution specifically formed for that purpose. In the identification of general approaches leading to Recommendation 1 above, and in Recommendation 1 itself, it was argued that a specific HE quality agency should take forward the review of HEIs for quality enhancement and assurance. In the analysis leading to Recommendation 3 above, and in Recommendation 3 itself, it was argued that review of HEIs for quality enhancement and assurance should differ very significantly from the inspection of pre-university schools. Therefore, it follows that the experts think it is inappropriate to ask NIPE to be responsible for the quality review of HEIs.

As has also been highlighted earlier, if European best practices are to be followed, it is crucially important that the future specific national agency for HE quality enhancement and assurance has genuine independent status, especially in relation to central government. From previous work, the experts remain unclear on many of the details of the composition of the existing PAAHE, its relationship with the Accreditation Council specifically, and its relationship with the MoES, especially on the licensing of private HEIs (see PACA, June 2011, pp.27, 31-33; PACA, December 2011, pp.34-39, and PACA,

February 2012, pp.18-20). The experts envisage a newly-strengthened agency to reflect the type of European best practice to be found in the QAA in the UK and Scotland. This should involve an agency whose corporate governance is based on an independent board. There should be a core permanent staff employed by the agency, and appointed on the basis of their relevant expertise. The actual work of review teams should largely be undertaken by peer reviewers, appointed from senior academics who meet relevant criteria, and including international academics. Review teams should also include student reviewers. As detailed subsequently in Recommendation 8.3, reviewers should be appointed on a 'review by review' basis from a pool of nominated reviewers, but reviewers may be re-appointed to serve on more than one review. Such an approach both guarantees the independence of the agency, and recognises appropriate autonomy for the HE academic community and its institutions. The reviewers recognise that implementing such an approach may challenge certain current Albanian Government assumptions and practices about the place of central government departments in these areas of activity.

The experts anticipate further dialogue with the MoES on how close the current arrangements and staffing for PAAHE and the Accreditation Council are to the approaches being recommended. This Technical Paper is concerned with on-going review of HEIs, not initial accreditation. However, in arguing that there must be an agency with newly-enhanced powers for HE quality enhancement and assurance, the experts are not necessarily suggesting that the current PAAHE and Accreditation Council cannot develop into such an agency. Indeed, the experts think this would be preferable to having two separate agencies, one for accreditation and one for review. This new PAAHE could be renamed the Public Agency for Assurance of Higher Education, covering both initial accreditation and on-going quality review, and incorporating the current Accreditation Council. However, although there can be further discussion of details on this, this new PAAHE must operate on the basis that the principles of independence, currently being advocated for quality review, are also carried into its work on initial accreditation and licensing.

Recommendation 5: The review of HEIs for quality enhancement and assurance should not be entrusted to an enlarged National Inspectorate for Pre-University Education (NIPE). A strong, independent national agency should be responsible separately for HE quality enhancement and assurance, including reviews. This should be based on a reformed and strengthened Public Agency for Assurance of Higher Education (PAAHE). This ‘new’ PAAHE should develop from, and replace, the existing PAAHE and Accreditation Council. This should involve the retention of a role in initial accreditation and licensing of HEIs, as well as the new, strong role for quality enhancement and review. It will be essential that this ‘new’ PAAHE functions with the independence which European best practice expects of such national agencies. On the other hand, if the Albanian Government decides that an enlarged NIPE will cover HE quality enhancement and assurance as well as pre-university school inspection, it will be equally essential that the unit within NIPE dealing with HE has sufficient autonomy to follow the distinctive HE quality enhancement and assurance approaches recommended throughout this Technical Paper, thereby meeting European best practices.

In the remaining Sections of this Technical Paper, the remit given to the experts moved directly to requests for recommendations, with less emphasis on contextual analysis. Therefore, some of the remaining Sections of this paper will predominantly consist of the relevant recommendations themselves, with briefer introductory comments.

5 RECOMMENDATIONS FOR AMENDMENTS TO THE LAW ON HIGHER EDUCATION (ALBANIAN PARLIAMENT, MAY 2007) RELATING TO HEI INSPECTIONS

The experts have been asked to make recommendations for amendments to the Law on Higher Education relating to inspections, with particular regard to the implementation of previous PACA recommendations. In making recommendations specifically on private HE in their earlier Technical Paper ‘Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions Within Albania’ (PACA, June 2011), the experts were drawing upon documents such as the ‘State Quality Standards

Of Higher Education Institutions (HEI)' (MoES 2011a) and 'Procedures And Documentation For The Opening Of A Private Higher Education Institution, Programmes Of Graduate Studies In The First And Second Cycle, Programmes Of Non-Graduate Studies, Of Professional Nature And Also Procedures For Suspension And Revocation Of License' (MoES 2011b). However, for the current paper, the experts have been provided with a copy of the 2007 'Law on Higher Education in the Republic of Albania' (Albanian Parliament, 2007).

In making a series of recommendations for amendments to the Higher Education Law, the experts are considering these in relation to the other recommendations in this paper on the development of HE review for quality enhancement and assurance, as well as recommendations on private HE from earlier Technical Papers. The recommendations initially focus on the sections of the Law which relate most directly to review for quality enhancement and assurance (Chapter IX), and then consider other sections which should be also be specifically linked to quality review.

Recommendation 6.1: Within Chapter IX of the 2007 Higher Education Law (Quality Assurance In Higher Education – Accreditation), Article 60 should be amended to reflect the future establishment of the newly strengthened and independent national agency for HE quality enhancement and assurance as recommended in this Technical Paper. Any amendments should clarify how this new agency will build upon and incorporate the existing PAAHE and Accreditation Council, and demonstrate the independence from central government required by European best practice. Similarly, Article 61, par. 2 (and consequently also Article 65, par. 2d) should be amended to clarify the relationship, if any, between a fully independent national HE quality agency and the Council of Higher Education and Science. In particular, Article 61, par. 2 should be amended to indicate that the new HE quality agency will have full responsibility for proposing national standards of quality in HE. More specifically, within Chapter IX, Article 62, par. 4 should be amended to confirm the recommendation elsewhere in this Technical Paper that institutional HE quality review takes place every 4 years, or additionally if there is specific cause for concern. Article 59, par. 2 should be amended to reflect the finally agreed title of the new HE

quality agency. Article 61, par. 1 should be amended to indicate that the main external review for quality enhancement will be at institutional level.

Recommendation 6.2: Chapter II of the Law states the criteria to be met by HEIs in terms of the cycles of education offered, and the minimum number of faculties, departments and full-time academic staff an HEI should have (for example, Article 5, par. 4; Article 6, par. 1, 2; Article 9, par.2; Article 12, par.3). The Law should be amended by the inclusion of a general statement, either in Chapter II or Chapter IX, to indicate that such criteria will be part of the standards to be considered by the new HE quality agency in reviewing HEIs, either at regular reviews or additional ‘cause for concern’ reviews (as will be discussed in more detail elsewhere in this Technical Paper).

Recommendation 6.3: Similarly, Chapter IV of the Law details the features of the three successive cycles of HE (Article 26), the elements of associated academic programmes (Article 27), the requirement for a detailed academic transcript (Article 31.3), and admissions criteria for the three cycles of HE (Articles 33, 34). Again, the Law should be amended by the inclusion of some general statement, either in Chapter IV or Chapter IX, to indicate that such features will be part of the standards to be considered by the new quality agency in reviewing HEIs, either at regular reviews or additional ‘cause for concern’ reviews (as will be discussed in more detail elsewhere in this Technical Paper).

Recommendation 6.4: In Chapter V of the Law, dealing with the opening, change and closure of public HEIs, references to the ‘Council of the National Accreditation Agency/Council of Accreditation for Higher Education’ in Article 41, par. 6, and Article 42, par. 3, should be amended to reflect how the new national HE quality agency will be described in this context.

Recommendation 6.5: In Chapter VI of the Law, dealing specifically with Private HE, references to the ‘Council of Accreditation of Higher Education/Accreditation Council of Higher Education’ in Article 44, par. 4, and Article 44/1, par. 3, should also be amended to reflect how the new national HE quality agency will be described in this context. Article 45, par. 3 should be amended to clarify that the details listed will be provided to the national HE quality agency during the agency’s annual

engagement with each HEI, as recommended elsewhere in this Technical Paper (even if also submitted to the MoES). Article 45, par. 4 should be amended to indicate the role of the new national HE quality agency in recommending the suspension or removal of licence to MoES, after review of a private HEI proposes this.

Recommendation 6.6: In Chapter X of the Law, dealing with the relationship of the state with HEIs, Article 64 par. 1 should be amended to provide that the new national HE quality agency will undertake a full review of each HEI every 4 years, and have an annual engagement with each HEI, as detailed elsewhere in this Technical Paper.

Recommendation 6.7: In Chapter XI of the Law, dealing with 'Intermediate Structures' in HE, Article 67 should be amended to clarify the relationship, if any, between the 'Academic Qualification Commission' and a new, fully independent national HE quality agency. Indeed, Article 67 should be deleted if the Albanian Government considers that this strengthened new agency removes the need for the Academic Qualification Commission.

Recommendation 6.8: In Chapter XIV of the Law, dealing with 'Provisional and Final Provisions', Article 90 should be amended to state explicitly that the new national HE quality agency will seek full membership of ENQA as soon as possible (probably after two years of operating in its new form). At the time of writing, the experts understand that the PAAHE only has affiliate status with ENQA.

Recommendation 6.9: Chapter VIII of the Law deals with students. The experts are not completely clear if this Chapter refers specifically to students in public HEIs, or can apply also to private HEIs. While not necessarily suggesting particular amendments, the experts recommend that Chapter VIII should be reviewed. If the Albanian Government wishes this Chapter to apply to both public and private HEIs, then it should be amended accordingly, and a statement included that the chapter can be used as a point of reference to illustrate relevant aspects of the standards used in HE quality review when considering the student experience, for example as detailed subsequently in Recommendation 9.4.

Recommendation 6.10: Chapter VII of the Law deals with HEI staff. Again, the experts are not completely clear if this Chapter refers

specifically to staff in public HEIs, or can apply also to private HEIs. Again, while not necessarily suggesting particular amendments, the experts recommend that Chapter VII should be reviewed. If the Albanian Government wishes this Chapter to apply to both public and private HEIs, then it should be amended accordingly, and a statement included that the chapter can be used as a point of reference to illustrate the type of information on staff to be provided by HEIs within the national HE quality system, for example in annual reporting to the national HE quality agency (see Recommendation 7.3) or in public information which will be evaluated during HE quality enhancement and assurance reviews (see Recommendation 9.5a).

Recommendation 6.11: Chapter III of the Law deals with the ‘Management and Administration’ of HEIs. The experts judge that this Chapter refers essentially to public HEIs. The experts have no immediate actions to propose on this Chapter because they see the HE quality review under discussion in this Technical Paper as relating to quality and standards of student learning, assessment and awards, and not issues of HEI governance as such. However, as a medium-term action, the experts recommend that the Albanian Government maintains an on-going review of governance issues, applicable to both public and private HEIs, with a view to judging whether or not such issues should be included more explicitly in HE quality enhancement and assurance at some time in the future.

6 RECOMMENDATIONS ON THE MAIN CRITERIA FOR i) LAUNCHING AND ii) CONDUCTING HEI INSPECTIONS

The experts have been asked to make recommendations concerning what should be the main criteria for i) launching and ii) conducting HEI inspections.

The experts see two issues as particularly relevant here.

Firstly, there are decisions on when HEIs should be reviewed for quality enhancement and assurance. This aspect involves the general decision on the cycle of reviews, i.e. how many years should elapse

between regular full reviews. It also involves decisions on the criteria for launching reviews outside the normal cycle, when particular concerns have arisen requiring additional, immediate review. In this context, the experts also wish to re-emphasise the specific concerns which they have raised previously about quality issues with private HEIs specifically.

Secondly, there are decisions on how intensively specific aspects of provision are covered within an institutional review. During regular reviews, these decisions can be based partly on reviewers' initial judgements from the institutional self-evaluation, and partly on evidence emerging during the external review activities themselves. In the case of additional 'cause of concern' reviews, decisions are also required on the extent to which such reviews move beyond the immediate cause of concern to wider aspects of provision.

The recommendations which follow seek to address both these sets of issues.

Recommendation 7.1: In the immediate future, priority should be given to the national HE quality agency undertaking full quality reviews of all private HEIs, given the concerns which have arisen about the private HE sector.

Recommendation 7.2: Full, regular quality reviews of all HEIs should be undertaken by the national HE quality agency every four years.

Recommendation 7.3: In addition, every HEI should have an annual 'engagement' with the national HE quality agency. This should involve the HEI submitting to the agency an annual report, supplemented by relevant existing internal supporting documentation, covering institutional profile information (such as student numbers at the three cycles, student assessment data and analysis, staff numbers and profiles) and summaries of internal quality assurance activities during the year. An annual meeting should then be arranged by the HE quality agency, when a senior agency official will meet with senior staff from the HEI to discuss the annual report.

Recommendation 7.4: In addition to the cycle of regular reviews, additional quality reviews should be undertaken where specific causes of concern have arisen over an HEI. All relevant stakeholders should be able to raise such causes of concern with the national HE quality agency, including central government, academic staff, students, the general public and the press. Clear mechanisms should be established for stakeholders to raise such concerns, but these should relate to concerns of serious systemic or procedural problems with an HEI, not complaints about individual treatment (for example, systemic failure to follow appropriate assessment procedures, rather than disputes about specific academic judgements within assessment marking). It is possible that the national HE quality agency itself may initiate such additional reviews as a result of concerns arising after its annual meeting with the HEI. The agency should develop protocols which involve an initial inquiry stage into concerns raised, conducted by agency staff, followed by a full investigative review, involving a normal review team, if deemed appropriate. The review team should decide whether to focus exclusively on the issues of concern or widen the review to other aspects of the HEI's provision.

Recommendation 7.5: When conducting regular, full reviews, review teams should cover all aspects of provision sufficiently to assure themselves that quality standards are being sustained and enhanced. However, depending on evidence from the HEI's self-evaluations and on evidence emerging in the early stages of a review, the review team should decide if it is necessary to give more intensive focus to particular aspects of provision, where initial evidence for quality enhancement and assurance may be less convincing.

7 RECOMMENDATIONS ON THE MAIN CONTENT OF HEI INSPECTION PROCEDURES, FROM DECISIONS TO LAUNCH AN INSPECTION TO THE FINAL INSPECTION REPORT

The experts have been asked to make recommendations concerning what should be the main content of inspection procedures, from decisions to launch an inspection to the final inspection report.

This section will focus on the content of regular, full quality reviews. In making recommendations here, the experts draw upon approaches used by QAA Scotland in its process of enhancement-led institutional review (ELIR). Further details of ELIR are available in a number of QAA Scotland publications, especially the Enhancement-led institutional review handbook: Scotland (Second edition) (QAA Scotland 2008). The experts see the ELIR approaches of QAA Scotland as examples of European best practice in HE review of quality enhancement and assurance. A number of recommendations are provided to adopt similar approaches (although the experts would mention that the approaches recommended are not identical in every detail to the current QAA Scotland approaches).

Recommendation 8.1: Prior to the institutional review for quality enhancement and assurance, the HEI should be asked to provide the national HE quality agency with a self-evaluation document (in Scotland, this document is known as the Reflective Analysis [RA]). This self-evaluation document should contain: (1) **An Introductory section**, including an institutional profile (covering similar information to that provided in the HEI's annual report to the agency); key changes and developments within the HEI; a brief explanation of the methods used to produce the self-evaluation document, including how staff and students have been involved (2) **A Management of the student learning experience section**, including the HEI's effectiveness in managing student information, engaging and supporting students, managing the learning environment, supporting and developing staff to promote effective student learning (3) **An Institution-led monitoring and review of quality and standards section**, including an explanation of how the HEI's institutional-led monitoring and review makes use of external reference points; manages information, including public information about quality and standards, to support monitoring and review; effectively manages assessment to set and maintain academic standards; and links monitoring and review to enhancement (4) **A Strategic approach to quality enhancement section**, including key features of the HEI's strategic approach to quality enhancement; the effectiveness of the HEI's use of external reference points to national and international best practice in quality enhancement; and the effectiveness of the HEI's internal dissemination of good practice identified within its strategic approach to quality enhancement (5) **A Conclusion section**, giving the

HEI's summary of its effectiveness in managing the student learning experience, monitoring and reviewing the quality and academic standards of its awards, and implementing a strategic approach to quality enhancement.

Recommendation 8.2: In exceptional circumstances, where a private HEI's self-evaluation document suggests overwhelming evidence that the HEI cannot possibly achieve a positive outcome from a full review, the national HE quality agency may contact the MoES immediately with a view to suspension or removal of licence, without proceeding with a full review process.

Recommendation 8.3: A Review Team for each HEI quality review should be identified by the national HE quality agency, drawn from a pool of nominated reviewers. This team should comprise: senior Albanian academic peer reviewers (typically c.3), with all Albanian HEIs being invited to nominate senior academics who meet appropriate criteria; an international senior academic peer reviewer, again with all Albanian HEIs being invited to nominate international academics meeting appropriate criteria; a student reviewer from another HEI, with all Albanian student representative bodies being asked to nominate potential reviewers. The team should have a coordinating reviewer, again drawn from HEI nominations, who may be a senior academic administrator or a senior academic. The team should also be supported by a senior member of the permanent staff of the national quality agency.

Recommendation 8.4: The review should be based on a two-part visit. A part one visit should last two days, and involve a programme of activities, including meetings with a group of senior staff, a group of student representatives, and a wider group of staff involved in quality enhancement and review activity. The part one visit should be used by the team to identify key themes to be explored in the part two visit and share these with the HEI. It should also enable the team to specify particular documentation which it wishes the HEI to provide for review at the part two visit, and indicate the particular types of additional staff and student groups it wishes to meet on the part two visit. The Part two visit should be four weeks after the part one visit, and last between three and five days. On the final day of the part two visit, the team should agree its conclusions and compile an outline draft report.

Recommendation 8.5: Within a week of the part-two review visit, the senior official from the national HE quality agency supporting the review should send a formal letter to the HEI summarising the provisional conclusions of the review. A draft of the full report, and a shorter summary of this, should be sent to the HEI within eight weeks of the part two visit, and agreed versions published on the national HE quality agency's website within twelve weeks. The report should provide a commentary on the effectiveness of the HEI's approach in three broad areas: management of the student learning experience; institution-led monitoring and review of quality and academic standards; strategic approach to quality enhancement. The commentaries should lead to a single overarching judgement expressed as a confidence statement in one of three standard forms: 'confidence' (secure academic standards and a quality student experience are being managed effectively and this is likely to continue); 'limited confidence' (not a judgement of failure but an indication that improvements need to be made in areas which will be specified); 'no confidence' (substantial evidence of serious and fundamental failure to secure appropriate academic standards and quality of educational provision). With a 'confidence' judgement, the HEI should be asked to produce a year-on report for the national HE quality agency, indicating on-going enhancement following the report. With a 'limited confidence' judgement, the HEI should be set an action plan by the national quality agency with a much shorter timescale, and MoES informed of developments. With a 'no confidence' judgement, while the HEI may be given some opportunity for remedial action, the national HE quality agency might move to initiate, or liaise with MoES on, the suspension/removal of licence (in the case of a private HEI), depending on the respective roles of the two institutions in such suspensions/removals.

8 RECOMMENDATIONS ON THE MAIN INSPECTION STANDARDS, I.E. THE CRITERIA BY WHICH HEIs ARE EVALUATED

The experts have been asked to make recommendations concerning what should be the main inspection standards, i.e. the criteria by which HEIs are evaluated.

As mentioned earlier in Section 4.1, the experts will draw upon the approaches used in the UK, including Scotland, where HEIs are reviewed with reference to The UK Quality Code for Higher Education (QAA UK 2012b). This sets out the formal expectations that all UK HE providers are required to meet. Meeting these expectations assures the academic standards of the HEI, the quality of the learning opportunities it offers to students, its commitment to continuous and systematic enhancement, and the nature and quality of the information it provides publicly. The UK Quality Code contains three parts: *Part A: Setting and maintaining threshold academic standards* comprises six chapters on issues relevant to the setting and maintaining of academic standards, including subject and programme level issues, and issues on assessment of learning outcomes; *Part B: Assuring and enhancing academic quality* comprises eleven chapters on issues relevant to ensuring that the quality of learning opportunities meets expectations and is continually being improved, including such topics as student admissions, learning and teaching, student support and guidance, external examining; *Part C: Information about higher education provision* is shorter and not subdivided into chapters, but addresses how providers make available information that is fit for purpose, accessible and trustworthy. In making recommendations on the criteria by which Albanian HEIs should be evaluated during HE review for quality enhancement and assurance, the experts will be identifying criteria which draw upon summary detail from these UK Quality Code chapters.

However, the recommendations must also reflect earlier discussion about aspects of the current Albanian context for HE quality review. As discussed in Section 4.2, the experts would wish the Albanian HE quality review system to move towards a position where the focus can be almost exclusively on the wider, positive agenda around the on-going enhancement of already secure academic standards and quality of student learning opportunities. As emphasised in Section 5, there are existing Albanian Government documents which already provide very appropriate statements on such aspects of academic standards as the features of the three successive cycles of HE, the elements of associated academic programmes, and

admissions criteria for the three cycles of HE (for example, in this Technical Paper, see Section 5, Recommendation 6.3 on Chapter IV of the 2007 Higher Education Law; in the experts' earlier Technical Paper 'Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions within Albania' [PACA, June 2011], see p. 28 for a positive analysis of Appendix 2 of 'Procedures And Documentation For The Opening Of A Private Higher Education Institution, Programmes Of Graduate Studies In The First And Second Cycle, Programmes Of Non-Graduate Studies, Of Professional Nature And Also Procedures For Suspension And Revocation Of License' [MoES 2011b], with its description of criteria for first and second cycle programmes, and p. 21 for positive aspects on programme provision within Chapter I of 'State Quality Standards Of Higher Education Institutions (HEI)' [MoES 2011a]).

Therefore, in recommending criteria for review of HEIs for quality enhancement and assurance, the experts will partly be applying the criteria for the positive enhancement agenda which underpin UK approaches. However, it should also be recognised that aspects of these general positive criteria can already be identified in existing Albanian Government documentation.

On the other hand, the experts have discussed earlier in this Technical Paper that there may be a need for Albanian HE quality review also to focus on certain aspects of a narrower 'deficit' agenda, where review must ensure that basic criteria for appropriate HEI activity are met, and that no 'illegal activity' is taking place. For example, in Section 5, Recommendation 6.2 highlights that Chapter II of the 2007 Higher Education Law states the criteria to be met by HEIs in terms of the cycles of education offered, and the minimum number of faculties, departments and full-time academic staff an HEI should have. These criteria were also highlighted in the experts' earlier Technical Paper 'Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions Within Albania' (PACA, June 2011, pp.21-22, p.28), where relevant details were summarised from Chapters I, II and III of 'State

Quality Standards Of Higher Education Institutions (HEI)' (MoES 2011a), and from Appendix 2 of 'Procedures And Documentation For The Opening Of A Private Higher Education Institution, Programmes Of Graduate Studies In The First And Second Cycle, Programmes Of Non-Graduate Studies, Of Professional Nature And Also Procedures For Suspension And Revocation Of License' (MoES 2011b). As was further emphasised in Sections 6 and 7 of the current paper, quality review should certainly require Albanian HEIs to provide core institutional information confirming that they fulfil the basic criteria for HEI status on offering the relevant cycles of higher education, and meeting minimum numbers of faculties, departments and full-time academic staff. Finally, as emphasised in Section 4.2 of this paper, quality review must assure that HEIs are not engaging in any dishonest illegal behaviour such as awarding degrees under false pretences to students who have not completed appropriate courses and assessments successfully.

The recommendations which follow apply the above approaches in specifying criteria by which quality review should evaluate HEIs:

Recommendation 9.1: As detailed through the relevant parts of Recommendations 9.2, 9.3, 9.4 and 9.5, all HEIs must specifically demonstrate that they do not engage in any dishonest illegal activity such as awarding degrees under false pretences to students who have not completed appropriate courses and assessments successfully.

Recommendation 9.2: All HEIs must meet the basic criteria for relevant HEI status in terms of the cycles of higher education offered, and minimum numbers of faculties, departments and full-time academic staff, as specified in existing Albanian Government documentation such as Chapter II of the 2007 Law on Higher Education (Albanian Parliament 2007); Chapters I, II and III of 'State Quality Standards Of Higher Education Institutions (HEI)' (MoES 2011a); and Appendix 2 of 'Procedures And Documentation For The Opening Of A Private Higher Education Institution, Programmes Of Graduate Studies In The First And Second Cycle, Programmes Of Non-Graduate Studies Of Professional Nature And Also Procedures For Suspension And Revocation Of License' (MoES 2011b).

Recommendation 9.3: All HEIs must set and maintain appropriate academic standards. This must include:

- (a) Ensuring that all programmes of study meet the requirements for the relevant level of the three consecutive cycles of higher education, for example as detailed in existing Albanian Government documentation such as Chapter IV, Articles 26 and 27, of the 2007 Law on Higher Education (Albanian Parliament 2007); Chapter I, especially Standard I, of 'State Quality Standards Of Higher Education Institutions (HEI)' (MoES 2011a); and Appendix 2 of 'Procedures And Documentation For The Opening Of A Private Higher Education Institution, Programmes Of Graduate Studies In The First And Second Cycle, Programmes Of Non-Graduate Studies, Of Professional Nature And Also Procedures For Suspension And Revocation Of License' (MoES 2011b)
- (b) Making available definitive information on the aims, intended learning outcomes and expected learner achievements for all programmes of study
- (c) Having in place effective processes to approve and review the validity and relevance of programmes
- (d) Ensuring there is independent and external participation in the management of academic standards, including appropriate external examiner processes
- (e) Ensuring assessment of students is robust, valid and reliable, and qualifications and credit are awarded on the basis of the achievement of the relevant intended learning outcomes

Recommendation 9.4: All HEIs must assure, and continuously and systematically enhance, the quality of the learning opportunities they provide for students. This must include:

- (a) Using student admissions policies and procedures which are clear, fair, and consistently applied
- (b) Implementing appropriate strategies for learning and teaching, including, where appropriate, for flexible and distance learning, and work-based and placement learning

- (c) **Providing effective arrangements to support students in their learning, including careers education, information, advice and guidance, and appropriately meeting the requirements of disabled students**
- (d) **Ensuring students are appropriately and fully engaged in quality assurance and enhancement processes**
- (e) **Developing assessment practice which promotes effective student learning, including providing appropriate and timely feedback to students on assessed work in a way which facilitates improvement**
- (f) **Giving external examiners opportunities to provide comment and recommendations on the continuous innovation and enhancement of assessment practices and their impact on the quality of learning opportunities provided to students**
- (g) **Regularly reviewing all assessment procedures and regulations to ensure that they remain fit for purpose**
- (h) **Ensuring that the periodic formal approval and review of programmes is complemented by on-going evaluation of the effectiveness of programme curriculum and assessment in enabling students to achieve appropriate intended learning outcomes**
- (i) **Providing fair, effective and timely procedures for handling students' complaints and academic appeals**

***Recommendation 9.5:* All HEIs must provide public information for various audiences about the learning opportunities they offer that is fit for purpose (full and sufficient), accessible and trustworthy. This information must include:**

- (a) **Factual details on the institution's academic organisational, leadership and management structure; student numbers (in different subjects and at different levels); staff details (including numbers and qualifications); summary statistics of student programme completions and qualifications awarded**
- (b) **A description of the institution's mission, values and overall strategy**

- (c) **A description of the process for student application and admission**
- (d) **Sufficient details for prospective students to enable them to make informed selections of programmes based on an understanding of the institution's academic environment and of the support which it will make available to students**
- (e) **Full details of programmes of study made available to current students at the start of their programme and throughout their studies**
- (f) **Clear statements of what the institution expects of current students, and what current students can expect of the institution**
- (g) **When a student leaves their programme of study, a detailed record of their studies, which gives full evidence for others, such as future employers or other educational institutions, of the student's achievements on their programme**

9 CONCLUDING REMARKS

As mentioned in the Introduction, this is the first of three Technical Papers which the experts will be providing between June and September 2012 on the 'inspection of HEIs'. In summary, the current paper is advocating that, following European best practice, the Albanian Government should move towards a system of HE quality review which embraces the fullest positive agenda for enhancement of quality. This will also incorporate assurance of appropriate standards, but will move beyond any narrow inspection simply for a 'deficit' agenda. The system of HE review for enhancement and assurance should not be based on the temporary Ministerial 'Monitoring Platform', nor should it be similar to the pre-university inspection system and allocated to an enlarged NIPE. Rather, the system should be progressed by a newly-strengthened independent specific national agency for HE quality enhancement and assurance, developed from the existing PAAHE and Accreditation Council. This will require various amendments to the Law on Higher Education. Details have been provided on the criteria for launching and conducting

the new quality reviews of HEIs, the main content of the reviews from launch to final report, and the criteria by which HEIs should be evaluated during reviews. The second Technical Paper will give further consideration to the Law on Higher Education in relation to HEI quality review, and any associated Sub-legal Acts, when new draft amendments to the Law are available from MoES. Finally, the third Technical Paper will revisit aspects of Sections 6, 7 and 8 of the current paper in more detail when considering the content of Manuals for HEI quality reviews. In particular, there will be an opportunity in the third Paper to expand on details within the criteria for evaluating HEIs during quality review, which have been outlined in Section 8 of the current paper.

10 REFERENCES

Albanian Parliament (2007) *Law On the Higher Education in the Republic of Albania, date 21.05.2007.*

European Association for Quality Assurance in Higher Education (ENQA) (2009) *Standards and Guidelines for Quality Assurance in the European Higher Education Area, 3rd. Edition, Helsinki: ENQA.*

European Association for Quality Assurance in Higher Education (ENQA) (2012a) *ENQA in a nutshell.* Available online at <http://www.enqa.eu/profile.lasso> (accessed 20/06/12).

European Association for Quality Assurance in Higher Education (ENQA) (2012b) *ENQA Report To Ministers Responsible For Higher Education In The EHEA, Bucharest Ministerial Conference, April 2012.* Available online at http://www.enqa.eu/files/ENQA_report_EHEA_ministers.pdf (accessed 20/06/12).

European Association for Quality Assurance in Higher Education (ENQA) (2012c) *ENQA List of Externally Reviewed Agencies.* Available online at http://www.enqa.eu/reviews_agencies.lasso (accessed 20/06/12).

Her Majesty's Inspectorate of Education (HMIE) (2007) *How Good Is Our School?* Edinburgh: HMIE

Her Majesty's Inspectorate of Education (HMIE) (2011a) *Principles of inspection and review, March 2011.* Available online at

<http://www.educationscotland.gov.uk/inspectionandreview/about/index.asp> (accessed 20/06/12).

Her Majesty's Inspectorate of Education (HMIE) (2011b) *Arrangements for inspecting schools in Scotland, August 2011*. Now published through Education Scotland. Available online at <http://www.educationscotland.gov.uk/inspectionandreview/about/index.asp> (accessed 20/06/12).

Ministry of Education and Science (MoES) (2011a) *State Quality Standards of Higher Education Institutions (HEI)*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (MoES) (2011b) *Procedures And Documentation For The Opening Of A Private Higher Education Institution, Programmes Of Graduate Studies In The First And Second Cycle, Programmes Of Non-Graduate Studies, Of Professional Nature And also Procedures For Suspension And Revocation of License*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (MoES) (April 2012) *Temporary Ministerial Monitoring Platform to assess the quality and administrative services in the private Higher Education Institutions (HEI)*, dated 19.04.2012, Tirana: Ministry of Education and Science.

Project Against Corruption In Albania (PACA) (April 2011) *Risk Assessment Of The Albanian Education System (Incorporating Analysis Of The System For The Recruitment, Appointment And Promotion Of Education Teaching Staff In The Compulsory Education System) prepared by Ian Smith and Tom Hamilton, Council of Europe Experts*, Council of Europe/European Union.

Project Against Corruption In Albania (PACA) (June 2011) *Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions In Albania prepared by Professor Ian Smith and Tom Hamilton, Council of Europe Experts*, Council of Europe/European Union.

Project Against Corruption In Albania (PACA) (December 2011) *Response To And Recommendations Concerning Ministry Of Education And Science Feedback On PACA Assessments Of The Albanian Education System prepared by Professor Ian Smith and Tom Hamilton, Council of Europe Experts*, Council of Europe/European Union.

Project Against Corruption In Albania (PACA) (February 2012) *Final Assessment Of The Use Of PACA Recommendations For The Albanian Education System*, Council of Europe/European Union.

Quality Assurance Agency for Higher Education (QAA) Scotland (2008) *Enhancement-led institutional review handbook: Scotland (Second Edition)*, Glasgow: QAA Scotland.

Quality Assurance Agency for Higher Education (QAA) Scotland (2012) *Protocol for managing potential risks to quality and academic standards, QAA Scotland, original dated 1 October 2008*. Available online at <http://www.qaa.ac.uk/Complaints/concerns/Documents/ManagingRisksProtocol.pdf> (accessed 20/06/12).

Quality Assurance Agency for Higher Education (QAA) UK (2012a) *The Board of QAA UK*. Available online at <http://www.qaa.ac.uk/AboutUs/corporate/board/Pages/default.aspx> (accessed 20/06/12).

Quality Assurance Agency for Higher Education (QAA) UK (2012b) *The UK Quality Code for Higher Education*, Gloucester: QAA UK. Available online at <http://www.qaa.ac.uk/AssuringStandardsAndQuality/quality-code/Pages/default.aspx> (accessed 20/06/12).

Quality Assurance Agency for Higher Education (QAA) UK (2012c) *Concerns about standards and quality in higher education, QAA UK*. Available online at <http://www.qaa.ac.uk/Complaints/concerns/Pages/default.aspx> (accessed 20/06/12).

Report of the Review of Higher Education Governance in Scotland (2012) *Report of the Review of Higher Education Governance in Scotland*, Submitted to The Scottish Ministers, 16 January 2012. Available online at <http://www.scotland.gov.uk/Resource/0038/00386780.pdf> (accessed 20/06/12).

**ASSESSMENT AND RECOMMENDATIONS
CONCERNING DRAFT AMENDMENTS
TO THE LAW ON HIGHER EDUCATION
REGULATING INSPECTIONS OF HIGHER
EDUCATION INSTITUTIONS, AND SUB-LEGAL
ACTS TO IMPLEMENT THE LAW**

*Prepared by Professor Ian Smith and Tom Hamilton,
Council of Europe experts, July 2012*

ECU-PACA-8/2012

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INTRODUCTION

The current Technical Paper is the second of three to address the inspections of higher education institutions between June and September 2012. It follows a fuller Technical Paper providing an ‘Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System’ (PACA June 2012, ECU-PACA-7/2012), which made a broad range of recommendations for a future system of review of Albanian HEIs for quality assurance and enhancement, and will be followed by a final Paper that will provide recommendations for the content of inspections manuals. The first Technical Paper included a section with recommendations for amendments to the Law on Higher Education relating to the inspection of HEIs; the current paper assesses the Law on Higher Education further in the light of draft amendments to the Law proposed by Albanian Ministries to Parliament which the experts have received since submitting the June Technical Paper (see Albanian Council of Ministers 2012). In particular, the experts were asked to focus on the following issues:

- (a) An assessment of whether draft amendments to the Law on Higher Education relating to inspections and quality assurance of HEIs provide a legal framework for an inspections framework in line with recommendations made in the earlier June Technical Paper ‘Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System’
- (b) Recommendations on what sub-legal acts are needed to ensure the establishment of well-functioning inspections, and what should be their main provisions

1 SUMMARY OF FINDINGS AND RECOMMENDATIONS

In the original version of this Technical Paper, this section contained a full repeat of the Recommendations contained within the main

text. In the current version, the Recommendations only appear at the appropriate places in the main text.

2 DRAFT AMENDMENTS TO THE LAW ON HIGHER EDUCATION RELATING TO INSPECTIONS AND QUALITY ASSURANCE OF HEIs

The experts have been provided with a document indicating the relevant draft amendments to the Higher Education Law submitted by the Albanian Government Ministries to Parliament (Albanian Government, July 2012). These amendments appear only to relate to Article 63 and Article 64 ‘Control of legality’ (including Article 64/1 ‘Complaints/Appeal’, and Article 64/1 ‘Sanctions’). In comparing these draft amendments with the version of the Higher Education Law which they had previously been provided with (Albanian Parliament 2007), the experts note that the Article numbered as Article 63 in the draft amendments document seems to correspond to Article 45 in the 2007 version of the Law, not to what appears as Article 63 in the 2007 document. In linking any comments here to comments in the earlier June Technical Paper, the experts are assuming that it is appropriate to regard the Article now numbered 63 as corresponding to the Article previously discussed as Article 45. There is no equivalent complication with Article 64, where the core Article (i.e. before proposed amendments) seems similar in both the 2007 and 2012 documents.

In summary, the relevant draft amendments to the Higher Education Law proposed by the Albanian Government Ministries involve the following:

For Article 63

Article 63 generally relates to the requirements on private HEIs, and the sanctions to be imposed on institutions which do not meet these requirements. The draft amendment proposed is the addition of a par. 5 which emphasises the relevant role of the Council of Ministers, especially in relation to ‘the Law on Inspections’ specifically.

For Article 64

Article 64 generally relates to ‘Control of legality’ for public and private HEIs. Six draft amendments are proposed:

- (a) In par. 1, the addition of a sentence to emphasise that ‘control of legality’ of HEIs will be conducted by the national Inspectorate covering HE.
- (b) The addition of a par. 2 to emphasise that the organisation and functioning of this Inspectorate will be decided by the Council of Ministers in compliance with ‘the law on inspection’.
- (c) The addition of a par. 7 to emphasise that any measures/sanctions proposed by an ‘inspector’ on finding violations of legal requirements by an HEI should be determined by Council of Ministers’ decisions, and submitted to the Council of Ministers by the Ministry of Education and Science (MoES).
- (d) The addition of a par. 8 to emphasise once again the role of the Council of Ministers in determining the measures which can be taken by the HE Inspectorate in implementing the Law on Higher Education and the ‘Law on Inspections’.
- (e) The addition of an Article 64/1 on ‘Complaints/Appeal’, stating that Council of Ministers’ decisions under the Higher Education Law can be appealed ‘according to the existing provisions’, and Inspectors’ decisions can be appealed according to the ‘Law on Inspections’.
- (f) The addition of an Article 64/1 on ‘Sanctions’, detailing the circumstances under which various sanctions will be imposed on private HEIs, including the initiating of criminal proceedings.

The content of these amendments will be covered in more detail in the fuller assessment of the amendments which follows in Section 4.

3 GENERAL APPROACH TO ASSESSMENT OF DRAFT AMENDMENTS TO THE LAW RELATING TO INSPECTIONS AND QUALITY ASSURANCE OF HEIs

In the earlier Technical Paper ‘Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System’ (PACA June 2012), the experts have already provided a full range of recommendations for amendments to the Law on Higher Education relating to HE quality enhancement and assurance (the current paper continues with the experts’ preference for language based on the term ‘HE review for quality enhancement and assurance’, rather than the term ‘HE inspection’). These recommendations initially focused on the sections of the Law relating most directly to review for quality enhancement and assurance (Chapter IX), but then considered other sections of the Law which should also be specifically linked to quality review. The recommendations appeared in the June Technical Paper as Recommendations 6.1 to 6.11.

As already discussed, the current paper is assessing draft amendments proposed for Article 63 of the Higher Education Law (which appears to correspond to Article 45 of the 2007 Law made available to the experts), and for Article 64. Therefore, from the June Recommendations, aspects of June Recommendation 6.5, and June Recommendation 6.6 relate directly to the draft amendments currently being assessed. The relevant aspects of the June Recommendation 6.5 relate to the amendments proposed for Article 63 of the Law (i.e., Article 45 in the version previously made available to the experts). June Recommendation 6.6 relates to the amendments proposed for Article 64 of the Law.

In assessing the draft amendments proposed, this paper will make use of the Recommendations from the June Technical Paper initially by referring to sections of June Recommendations 6.5 and 6.6 in the detailed assessment of the specific proposed amendments which follows in Section 4 below. The June amendments are also referred to in Section 5 below in broader comments on the proposed amendments.

4 DETAILED ASSESSMENT OF THE SPECIFIC DRAFT AMENDMENTS PROPOSED TO THE LAW ON HIGHER EDUCATION RELATING TO INSPECTIONS AND QUALITY ASSURANCE OF HEIs

Draft Amendments proposed for Article 63

Article 63 generally relates to the requirements on private HEIs and the sanctions to be imposed on institutions which do not meet these requirements. The draft amendment proposed is the addition of the following par. 5:

‘The determination of the measures taken on implementation of this article and their categorisation in main administrative sanctions or complementary sanctions are made by Council of Ministers’ decision, in compliance with the Law on Inspections.’

The general approach taken by the experts in their June Technical Paper was to argue for a strong, independent national agency to be responsible separately for HE quality enhancement and assurance, including reviews. The experts stressed that this agency should function with the independence from central government which European best practice expects of such national agencies. (See PACA, June 2012, Recommendations 1 and 5, also pp.14 and 21.) The experts recognised that any such agency would have to liaise with the MoES (on behalf of the Albanian Government) on the actual suspension or withdrawal of licences of private HEIs failing to meet appropriate standards, or with the appropriate branches of law enforcement agencies on actual illegality by HEIs. (See PACA, June 2012, Recommendation 4, also pp.19-20.) However, the experts would re-emphasise their underlying point about the importance of maximum autonomy for any national HE quality agency within such processes.

In the draft par. 5 proposed for Article 63, the experts are not completely clear on the meaning of ‘categorisation in main administrative sanctions or complementary sanctions’. However, if this proposed paragraph implies any increase in the on-going role of the Council of Ministers during HE quality review, the experts would not support

this. The experts recommend a role for the Council of Ministers in setting the initial framework for the HE quality review system, or in making decisions at the final stages on suspension or withdrawal of licence if such decisions are made only after recommendation from the national HE quality agency and MoES.

The experts also note that the draft par. 5 refers to ‘compliance with the Law on Inspections’. The experts have been asked to comment (in both the current paper and the earlier June Technical Paper) on ‘inspection’ of HEIs (i.e. review for quality enhancement and assurance) only in relation to the Law on Higher Education. The experts therefore recommend that this separate law is reviewed for its consistency with the approaches the experts are advocating for the ‘inspection’ of HEIs.

While the draft amendment proposed for Article 63 only involves a new par.5, the experts would also re-emphasise the amendments they have already proposed in their June Technical Paper to par.3 and par. 4 of this Article, although, as explained earlier, the Article is numbered 45 in that earlier paper (see June Recommendation 6.5).

Recommendation 1: The Albanian Government should clarify the relationship between the Article now presented as Article 63 in the draft amendments proposed for the Law on Higher Education and the Article appearing as Article 45 in the 2007 version of the Law previously made available to the experts. Any wording of a new par. 5 in ‘Article 63’ should not produce an outcome which reduces the operational independence of a new national agency for higher education (HE) quality enhancement and assurance. As previously recommended by the experts, this agency should function with maximum autonomy from central government, consistent with European best practice for such agencies. The MoES may be involved in suspension or removal of private HEI licences, and law enforcement agencies may be involved in issues of illegality by HEIs, but only on recommendation from the new agency after HEI quality review. The Council of Ministers may also be involved in the final suspension and removal of licences, but only after recommendation has come from the MoES and the HE quality agency. The Council of Ministers may also be involved in setting the initial framework for the HE quality system and the work

of the agency. However, the Council of Ministers, the MoES, or other law enforcement agencies should not be involved in the on-going operational activities of the HE quality agency, prior to the agency making recommendations which require their involvement. Any new par. 5 in 'Article 63' should be worded to ensure these approaches are not undermined, especially in relation to the Council of Ministers. More widely, the 'Law on Inspections' should also be reviewed to ensure its consistency with the approaches the experts are advocating for the 'inspection' (i.e. review for quality enhancement and assurance) of HEIs. Finally on 'Article 63', the experts would re-emphasise the importance of the amendments implied for par.3 and par.4 of this Article in the relevant parts of Recommendation 6.5 in their June Technical Paper.

Draft Amendments proposed for Article 64

Article 64 generally relates to 'Control of legality' for public and private HEIs.

Article 64, par. 1

The draft amendment proposes the following additional sentence:

'The control is conducted by the Inspectorate that covers the area of the Higher Education in accordance with this law and the Law on Inspections.'

The experts agree with the addition of a sentence like this because it specifically emphasises the role of a national 'Inspectorate that covers the area of the Higher Education' in ensuring the maintenance of appropriate standards in HE. However, the experts would also re-emphasise that they have argued for this role being taken forward by a truly independent national agency for HE quality enhancement and assurance specifically, and they would prefer the language of the Law to describe the agency in this way, including in Article 64, par. 1.

The experts would also repeat their recommendation that the 'Law on Inspections' is reviewed to ensure its consistency with the approaches being advocated by the experts for HE quality review.

Apart from commenting on the additional sentence being proposed for par. 1, the experts would also refer back to the earlier recommendations in their June Technical Paper that Article 64, par. 1, should be amended to provide that the new national HE quality agency will undertake a full review of each HEI every 4 years, and have an ‘annual engagement’ with each HEI (see June Recommendation 6.6, and also Recommendation 7.3 from the June Paper). The experts would observe that these earlier Recommendations envisaged that: the four-yearly quality review should not only assess ‘legality’ but also embrace a wider quality enhancement and assurance agenda; the ‘annual engagement’ should cover both private and public HEIs; and this engagement should include discussion of a range of data and activities of HEIs, not just financial audit issues.

Recommendation 2: Any new sentence within par. 1 of Article 64 of an amended Law on Higher Education should emphasise that ‘inspection’ of HE will take the form of review for quality enhancement and assurance by a new independent national HE quality agency. As already mentioned under Recommendation 1, the ‘Law on Inspections’ should be reviewed by the Albanian Government to ensure its consistency with the approaches to HE quality review being recommended here by the experts. More widely in relation to par.1 of Article 64, the experts would re-emphasise the importance of their earlier Recommendations 6.6 and 7.3 in the June Technical Paper (June Recommendation 6.6 proposed full quality review of each HEI every four years, covering the wider quality enhancement and assurance agenda, not just ‘legality’; June Recommendation 7.3 proposed every HEI would have an ‘annual engagement’ with the national HE quality agency, covering a range of aspects, not just financial audit).

Article 64, par. 2

The draft amendment proposes the following additional sentence:

‘The organisation and functioning of the Inspectorate covering the area of Higher Education, is determined by a Council of Ministers’ decision in compliance with the law on inspection’. (In the version received by the experts, there is also a relevant embedded comment, presumably from a Ministry official, that ‘In addition, since the inspectorate will

also cover the pre/university education, we suggest to remove the qualifying word “Higher”.)

As already emphasised, one of the experts’ central arguments is that a new national agency for HE quality enhancement and assurance should function with the independence from central government which is a feature of European best practice for such agencies. In relation to the proposed Article 64, par. 2, the experts again would prefer the language of the paragraph to refer explicitly to such a new agency, rather than use the term ‘Inspectorate’. In particular, the experts do not favour the suggestion in the embedded Ministry comment that there should be a single Inspectorate for pre/university education and HE, as the June paper underlined. From a meeting held with MoES staff and a representative of the Central Inspectorate (the body responsible for oversight of all inspectorates within ministries and public institutions) on 25 June 2012, the understanding of the experts is that the Law on Inspections in general requires a single inspectorate to be established within each institution, but that there may be exceptions to this. If this is the case, the experts recommend that such an exception be applied in the case of inspections of education institutions – i.e. separating the agency for higher education inspections from inspections of pre-university education.

More widely, the experts would emphasise that any reference to the Council of Ministers in this paragraph should only imply a role for the Council of Ministers in the initial establishment of the new HE quality agency, and not in its ongoing operational activity.

Finally, the point already made about any general Law on Inspection also applies to this proposed par. 2.

Recommendation 3: Any new par. 2 within Article 64 of an amended Law on Higher Education should refer to the review of HE for quality enhancement and assurance undertaken by a new independent national HE quality agency. In particular, this paragraph should emphasise that the HE quality agency will be separate from any Inspectorate for pre-university education. Following more general comments in Recommendation 1, par. 2 should clearly indicate that any role being

described for the Council of Ministers in relation to the HE quality agency refers to Council of Ministers' decisions about the initial establishment of the agency, not to the Council of Ministers making decisions within the ongoing operational activity of the agency (except for possible Council of Ministers' involvement in final suspension or removal of private HEI licences). As already mentioned in Recommendations 1 and 2, the 'Law on Inspections' should be reviewed by the Albanian government to ensure its consistency with the approaches to HE quality review being recommended here by the experts.

Article 64, par. 7

The draft amendment proposes the following new par. 7:

'When the inspector finds a violation of legal requirements during a control of the legality, he proposes the measures/sanctions to take according to the Article 45 of this law, and his proposal is submitted to the Council of Ministers by the Minister of Education and Science.' (In the version received by the experts, there is also a relevant embedded comment, presumably from a Ministry official, on the reference to Article 45, stating that 'The measures and their categorisation will be decided by a Council of Ministers decision. Wrong reference.')

As the embedded comment from the Ministry itself implies, there is some lack of clarity about the internal cross-referencing in this proposed amendment. The experts would ask if this relates to the point they have raised earlier in the current paper about Article 63 in the proposed amendments actually corresponding to Article 45 in the 2007 version of the Law which they received earlier. This may suggest that the reference to Article 45 in the proposed Article 64, par. 7 actually refers to what has now been presented to the experts as Article 63 (see above).

Moving beyond this issue of cross-referencing, the experts would prefer this proposed paragraph to be worded in terms of the actions of the new HE quality agency, rather than worded around the individual 'inspector', and to reflect what they have already said in their June Technical Paper on the relationship between the new agency, the MoES and other law enforcement agencies.

On this latter point, the experts have proposed that the new agency would recommend the suspension or removal of licence to MoES, if evidence from review of a private HEI supported this, and that the agency would provide evidence of more specific illegality (such as fraud) directly to the law enforcement agencies which deal with such violations (see Recommendation 6.5 and Recommendation 4 in the June paper).

For example, in Recommendation 6.5 in the June paper, the experts have already emphasised that the role of the new HE quality agency in recommending the suspension or removal of licence to MoES should be made explicit in par. 4 of Article 45 of the 2007 version of the Law they were presented with (as mentioned above, this may now be Article 63 in any amended Law).

Consistent with this, the experts welcome that the proposed Article 64, par. 7 (if appropriately reworded) can provide a basis for further emphasising the HE quality agency's role in recommending suspension or removal of licences. However, any amended version of this paragraph should also explicitly state that the agency will pass evidence of illegality directly to the relevant law enforcement agencies.

Recommendation 4: As already mentioned in Recommendation 1, clarification should be provided on the relationship between proposed amendments to the Higher Education Law and Article 45 in the 2007 version of the Law as previously made available to the experts. In particular, the Albanian Government should clarify whether the 'Article 45' mentioned in the proposed Article 64, par. 7, of an amended Higher Education Law refers to the 2007 Article 45, which is now appearing as Article 63 elsewhere in the proposed amendments. On the detail of the proposed par.7, this paragraph should refer to the actions of the new HE quality agency (rather than using the individual term 'inspector'). As already described generally in Recommendation 1, par.7 should make clear that the agency will recommend the suspension or removal of licence to MoES, if evidence from review of a private HEI supports this, but will also provide evidence of more specific illegality (such as fraud) directly to the relevant law enforcement agencies which deal with such violations. Linked to these recommendations on the proposed par. 7 of Article 64, the experts would re-emphasise the importance of Recommendation 6.5 in their June Technical Paper. June Recommendation 6.5 similarly proposed amendments to par. 4 of Article 45 in the 2007 Law (possibly now Article 63 in any amended

Law), making explicit the role of the new quality agency in recommending the suspension or removal of licence to MoES.

Article 64, par. 8

The draft amendment proposes the following new par. 8:

‘The Council of Ministers’ decision in implementation of the Article 45 amended by this law, may determine the administrative measures that can be directly issued/decided by the inspector of the Inspectorate covering the higher education, in implementation of this law and the Law on Inspections.’

As mentioned earlier in relation to the proposed Article 63, par. 5, and Article 64, par. 2, the experts would re-emphasise that it is important the Council of Ministers does not interfere in the ongoing operational independence of a new national HE quality agency. In the context of the proposed Article 64, par. 8, this means that ‘Council of Ministers’ decision’ should only refer to either the initial overall establishment of the national agency (i.e. identifying its general powers etc.), or to specific final decisions on the suspension or removal of a private HEI’s licence, after recommendation for suspension or removal has progressed from the HE quality agency to MoES and then to the Council of Ministers. The proposed par. 8 should not imply any role for the Council of Ministers in the agency’s own decisions on whether to recommend suspension or removal of licences (or indeed on whether to refer illegality to the relevant law enforcement agencies).

Recommendation 5: As already mentioned in Recommendations 1 and 3, any amended Higher Education Law should make clear that the Council of Ministers will be not be involved in the on-going operational activities of a new national HE quality agency. Any reference to ‘Council of Ministers’ decision’ in the proposed Article 64, par. 8 should only relate to either Council of Ministers’ decisions about the initial overall establishment of the national HE quality agency (i.e. identifying its general powers etc.), or to Council of Ministers’ involvement in specific final decisions on the suspension or removal of a private HEI’s licence, after recommendation for suspension or removal has progressed from

the HE quality agency to MoES and then to the Council of Ministers. Par. 8 should make clear that the Council of Ministers has no role in the HE quality agency's own decisions on whether to recommend suspension or removal of licences, or indeed on whether to refer illegality to the relevant law enforcement agencies. As already mentioned in Recommendation 4 (for proposed amended Article 64, par. 7), Article 64, par. 8 should also refer to the new national HE quality agency rather than using the terms 'inspector' and 'Inspectorate'. Additionally, as also already mentioned in Recommendation 4 for Article 64, par 7, there should be clarification of whether the 'Article 45' mentioned in Article 64, par. 8, refers to Article 45 of the 2007 Higher Education Law, now appearing as Article 63 elsewhere in the proposed amendments. Finally, as already mentioned in Recommendations 1, 2 and 3, the Law on Inspections should be reviewed for its consistency with the approaches to HE quality review recommended by the experts.

Article 64/1 Complaints/Appeal

The draft amendment proposes the following new Article 64/1 on Complaints/Appeal:

'A decision taken by a directing/managing authority and the Council of Ministers according to the articles 64 and 45 of this law, can be subject to appeal according to the existing provisions. A decision taken by an inspector according to the article 64 amended by this law, can be subject to appeal according to the Law of Inspections.'

The experts welcome a specific Article on Complaints/Appeal within the amended Law. However, there are a number of aspects of this proposed Article 64/1 which require further clarification.

Once more, as mentioned above, it will be necessary to clarify the reference to Article 45 in this proposed amendment, and it will be important to review the Law on Inspections for consistency with the experts' recommendations on HE review for quality enhancement and assurance.

More specifically, the experts are not completely clear on the meaning of the term 'a directing/managing authority' in the proposed Article 64/1 on Complaints/Appeal. In the context of

the HE quality review system recommended by the experts, they assume this term could refer to the new HE quality agency and the MoES, and perhaps also other relevant law enforcement agencies (in cases of general dishonesty).

If 'directing/managing authority' covers the new agency, the experts do not think it is appropriate to include a separate reference to 'decision taken by an inspector'. In the system recommended by the experts, the decisions made by individual reviewers and officials of the agency would be agency decisions, and would be appealed on that basis.

This then requires clarification on precise methods of appeal. The experts are not clear on the meaning of 'appeal according to existing provisions'. For example, the 2007 version of the Higher Education Law appears to make only one reference to appeals. Article 44, par. 7, when discussing initial licensing of private HEIs, states that an applicant can appeal a MoES decision to refuse a licence 'at the Court'. For any amended Law, clarification is needed on whether appeals to a particular Court will apply to Council of Ministers' decisions on suspension or removal of a licence after quality review has recommended this through the quality agency and the MoES.

On the other hand, clarification will also be required on whether there is a precise appeal process under a general Law on Inspection which will provide the mechanism for appealing decisions of the new HE quality agency.

Finally, clarification will be needed on whether appeals against MoES decisions within the HE quality review process are made under procedures which apply to Council of Ministers' appeals or those which apply to HE quality agency appeals, if there are differences between these procedures.

In addition, the experts would urge that appeals processes are established which minimise the potential for 'vexatious' appeals, i.e. appeals that are filed only to delay the imposition of sanctions unpalatable to the appellant

and which are not based on well-evidenced grounds. For example, the June Technical Paper referred to the opportunity for HEIs to comment on draft HE quality review reports before final ‘agreed versions’ are published (see Recommendation 8.5 in the June Paper). The experts recommend that detailed protocols will stress that such comments are invited on ‘issues of fact’, rather than simply ‘disputing reviewers’ judgments’. Opportunities for dialogue of this sort within the review process itself should reduce the potential for final ‘vexatious’ appeals.

Recommendation 6: It is important that any amended Higher Education Law contains a section like Article 64/1, Complaints/Appeal, indicating how the HE quality review system will establish mechanisms for complaint/appeal. However, any such section should add a commitment to minimising the potential for ‘vexatious’ appeals, which are simply made with the intention of delaying the imposition of sanctions unpalatable to the appellant, and which are not based on well-evidenced grounds. When detailed protocols for appeals are developed, they should make appropriate use of earlier opportunities within quality review processes for HEIs to comment on ‘issues of fact’ within draft reports (but not simply to ‘dispute reviewers’ judgements’). The possibility of agreed adjustments for these should reduce the potential for later ‘vexatious’ appeals. As well as such additions, Article 64/1, Complaints/Appeal should be clarified for the following points:

- (a) whether the mention of ‘article 45’ refers to Article 45 of the 2007 Higher Education Law, now appearing as Article 63 elsewhere in the proposed amendments (see also comments under Recommendations 4 and 5)
- (b) whether the Law on Inspections is consistent with the approaches to HE quality review being outlined here by the experts (see also comments under Recommendations 1, 2, 3, 5)
- (c) the meaning of the term ‘directing/managing authority’, and particularly whether this can be interpreted as covering the new HE quality agency, the MoES, and perhaps also other relevant law enforcement agencies (in cases of general dishonesty)
- (d) if ‘directing/managing authority’ can cover the new HE quality agency, whether this should lead to the removal of separate

reference to appeals against an individual ‘inspector’, as opposed to appeals against the agency

- (e) whether ‘appeal according to existing provisions’ means that appeal against decisions to suspend or remove licences by the Council of Ministers (after this has been recommended through the quality agency and the MoES) is to a particular Court
- (f) whether there will be a precise appeal process under a general Law on Inspection which will provide a mechanism for appealing decisions of the new HE quality agency, or whether some separate new appeal process will have to be established for the agency
- (g) whether appeals against MoES decisions within the HE quality review process will be made to a Court (e.g. as may be the case with appeals against Council of Ministers’ decisions), or will be made in some other way similar to appeals against the new agency (within a new overall approach to HE quality review appeals)

Article 64/1 Sanctions

The draft amendment proposes the following new Article 64/1 on Sanctions:

1. The opening of private institutions of higher education and the exercise of their activities contrary to the provisions of this law and other laws and sub-legal acts, will result in fines for the of (sic) private HEIs, in termination of their activities and in the revocation of the licence.
2. In case of the following violations, the application for licence is denied, the licence is revoked and the Ministry of Education notifies the competent authorities to initiate criminal proceedings against those responsible for:
 - (a) obtaining the licence of operation through fraud, forgery of documents
 - (b) representation of false data and any other violation of administrative procedures established in this law
 - (c) fraud in the drafting/signing into contracts

- (d) false or misleading claims in advertising, which influence the choice of the students and lead to in (sic) considerable damage/harm for them'

As with Complaints/Appeal, the experts welcome this inclusion of a separate Article 64/1 on Sanctions.

Indeed, the specific sanctions listed as available against private HEIs largely mirror the emphasis in the earlier June Technical Paper on the suspension and removal of licences (see Recommendations 8.2 and 8.5 in the June Paper) and the possible direct referral to law enforcement agencies (see Recommendation 4 in the June Paper).

However, there is one point where the detail of the proposed Article 64/1 differs from the relevant earlier Recommendations by the experts. Article 64/1, par. 2, refers to the MoES notifying the 'competent authorities to initiate criminal proceedings' in cases of fraud etc.. In the June Recommendation 4, the experts recommended that such notification should be made immediately by the new HE quality agency. In order to emphasise the independence of the new agency in assuring HE standards, the experts recommend that the agency, rather than MoES, initially notifies the relevant law enforcement agencies of evidence for such illegality.

***Recommendation 7:* It is important that any amended Higher Education Law contains a section like Article 64/1, Sanctions, and that the sanctions available against private HEIs include the suspension and removal of licences, and possible direct referral to law enforcement agencies (as already emphasised in Recommendations 8.2, 8.5 and 4 in the experts' June Technical Paper). However, in discussing 'competent authorities' being notified 'to initiate criminal proceedings' against those in HEIs responsible for fraud etc, Article 64/1, Sanctions, should indicate that this notification will be undertaken directly by the new HE quality agency, rather than by the MoES (this is consistent with the experts' earlier recommendation to this effect in Recommendation 4 in their June Technical Paper). Direct notification by the HE quality agency will emphasise the autonomy of the new agency in assuring HE standards, acting independently from MoES.**

5 BROADER COMMENTS ON DRAFT AMENDMENTS PROPOSED TO THE LAW ON HIGHER EDUCATION RELATING TO INSPECTIONS AND QUALITY ASSURANCE OF HEIs

As mentioned in Section 3 above, in their earlier June Technical Paper ‘Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System’ the experts provided a full range of recommendations for amendments to the Law on Higher Education relating to HE quality enhancement and assurance. These recommendations appeared in the June Technical Paper as Recommendations 6.1 to 6.11. As the relevant details in Section 4 above indicate, aspects of June Recommendation 6.5 and June Recommendation 6.6 relate directly to certain of the draft amendments to the Higher Education Law which are currently being assessed. While the main focus of the current paper is to assess the specific draft amendments to the Higher Education Law, the experts would stress the continuing importance of all the other recommendations for amendments to the Higher Education Law which were included in their June Technical Paper (i.e. June Recommendations 6.1 to 6.4, the earlier parts of 6.5, and 6.7 to 6.11). In the overall amending of the Higher Education Law, all these June Recommendations should be given full consideration.

Recommendation 8: In producing an amended Law on Higher Education, the Albanian Government should address all the other amendments to the Law recommended in the experts’ earlier June Technical Paper (i.e., June Recommendations 6.1 to 6.4, the earlier parts of 6.5, and 6.7 to 6.11), as well as the amendments which will follow from Recommendations 1 to 7 in the current paper.

6 RECOMMENDATIONS ON SUB-LEGAL ACTS TO ENSURE THE ESTABLISHMENT OF WELL- FUNCTIONING INSPECTIONS OF HEIs

Reviewing the general use of ‘sub-legal acts’ by the Albanian Government

As a final aspect of this Technical Paper, the experts have been asked to make recommendations on what ‘sub-legal acts’ are needed to ensure the establishment of well-functioning ‘inspections’ of HEIs, and what should be their main provisions. ‘Sub-legal acts’ is not a term which equates exactly to terms more commonly used in the experts’ own national educational and legal system. However, from their earlier work on the Albanian system, the experts understand this term to refer to such documents as Decisions, Instructions, Orders and Regulations. These normally seem to be issued by a Minister or Ministry (especially the Minister of Education and Science and MoES), but can also be issued by the Prime Minister or the Council of Ministers. The Albanian Government appears to make very significant use of such documents for the governance of its education system.

The experts appreciate there will be distinctive ways in which frameworks for public law are structured in different national systems, and they wish to give appropriate recognition to the entitlement of the Albanian Government to take distinctive approaches in this area. However, they have commented in earlier work that the Albanian system in areas like education may be over-reliant on a top-down and mechanistic approach to the formulation of policy and the administration of practice, which are excessively centralised with the national government and its departments. This can lead to the production of a greater number of ‘sub-legal acts’ documents than the experts are used to in their own system, and the attempt to prescribe centrally a range and level of detail in these which goes beyond what the experts expect central government departments to attempt in their own system. Of course, the experts fully understand the historical reasons for this centralised, prescriptive approach being embedded in Albanian policy and practice. They also fully recognise why

the Albanian Government may particularly wish to continue with this approach to ensure that any weaknesses in current practice are addressed robustly, with a stronger chance of positive developments and progress being secured. However, as a general point they would recommend that the Government continuously review its use of 'sub-legal acts' to avoid the retention of over-prescriptive approaches which are excessively centralised with the national government and its departments themselves, rather than increasingly empowering more autonomous bodies within the public governance of Albanian education (such as appropriately independent 'inspection' agencies).

Specifically limiting the use of 'sub-legal acts' for the national HE quality review system

This general point can be applied to the area of HE review for quality enhancement and assurance. However, in this area the experts have made the additional point that European best practice requires an HE quality system operated by a new national agency which will be, as far as possible, independent of central government. This raises the issue of how far 'sub-legal acts' will actually be needed in relation to HE quality review. The experts' general view is that sub-legal acts in this case should be kept to a minimum. If the Higher Education Law is fully amended in the ways recommended, then much of the detail of the new HE quality review system will be included in the Law itself. Thereafter, once the new national agency is established, much detailed documentation should certainly be produced as agency documentation, rather than Ministry documentation. This will apply to the documentation/detail covered in the experts' earlier June Technical Paper in Recommendations 8.1 to 8.5 on 'The Main Content Of HEI Inspection Procedures', and Recommendations 9.1 to 9.5 on 'The Main Inspection Standards, i.e. The Criteria By Which HEIs Are Evaluated'. It will also apply to the greater elaboration of such detail in the further Technical Paper the experts will produce on 'Recommendations for the content of Manuals for the Inspection

of Higher Education Institutions'. Such further elaboration should certainly be in agency documentation, not Government documentation. This would follow the approach of the Quality Assurance Agency for Higher Education (QAA) in the UK. For example, the standards for HE in the UK are incorporated in the QAA publication 'The UK Quality Code for Higher Education' (see PACA, June 2012, pp.17-18, 28-29), not in a document of a central government department. It would be consistent with this approach if ownership of the Albanian 'State Quality Standards Of Higher Education Institutions (HEI)' in due course moved from the Albanian Government itself to the new national HE quality agency.

The continuing overall role for the Albanian Government

Of course, this is not to argue for the removal of the Albanian Government from the role of setting the overall policy framework for Albanian HE, including the enhancement and maintenance of standards. Along with its many other responsibilities, the Albanian Government is accountable to the Albanian people for the quality of education. Similarly, the experts have not argued for the complete removal of the Albanian Government from all specific aspects of the HE quality process. For example, there will still be involvement of the MoES and the Council of Ministers in the initial granting of private HEI licences and, where required, in the final suspension or removal of such licences. In their earlier June Technical Paper 'Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System', the experts recommended that the new HE quality agency should have a role in the initial accreditation and licensing of HEIs (see PACA, June 2012, Recommendation 5 and p.21). However, while stressing the importance of the new agency having the power to make independent recommendations within the system of initial accreditation and licensing, the experts were not necessarily suggesting the removal of a role for MoES (for example through the Directorate of Private Education Development [DPED]), or for the Minister of Education and Science and the Council of Ministers. The concern is simply to ensure that the respective roles of the DPED, the Minister and the

Council of Ministers are completely clear vis-a-vis the role of the new quality agency. This also reflects the need – underlined by the experts previously to clarify these roles relative to PAAHE and the Accreditation Council (see PACA, June 2011, Recommendation 11, as revisited in PACA, December 2011, pp. 35-37, and PACA, February 2012, p. 19). Similarly, the experts have made clear in the current Technical Paper that there should be a role for the MoES and the Council of Ministers in the final decision-making on suspension and removal of private HEI licences (see Recommendations 1, 3, and 5 above).

Recommendation 9: Generally, the Albanian Government should continuously review its use of ‘sub-legal acts’ in public administration with the aim of reducing any excessive and over-elaborated centralisation with the national government and its departments. Specifically for the proposed new national HE quality review system, the details for the operation of an independent national agency should subsequently be developed as far as possible through the agency’s own documentation, based on the amended Higher Education Law itself, rather than through additional ‘sub-legal acts’. However, an important role should remain for central government in setting the overall policy framework for HE quality review, and in making final decisions at specific stages within the process, such as initial granting, and final suspension or removal, of private HEI licences.

Aspects of the new HE quality review system which must be sufficiently elaborated.

If ‘sub-legal acts’ are to be considered for HE review for quality enhancement and assurance, the most likely areas for inclusion would be:

1. the details on the nature of the new HE quality agency itself, such as its composition and system of governance
2. the protocols and procedures on the relationship between the new HE quality agency and the MoES and the Council of Ministers over the suspension and removal of private HEI licences

3. the protocols and procedures on the relationship between the new HE quality agency and other law enforcement agencies on issues of illegality by HEIs relating to general dishonesty
4. the protocols and procedures on appeals/complaints against decisions taken within the HE quality review system by the new HE quality agency, the MoES and the Council of Ministers respectively

However, in considering these areas, the experts would re-emphasise their view that, as far as possible, core details within these areas should be established in the Higher Education Law itself, and additional details developed in subsequent documentation of the new HE quality agency. This should minimise the need for additional ‘sub-legal acts’.

Areas 2, 3 and 4 above have already been covered significantly under earlier Recommendations in the current paper, and the experts do not wish to add a great deal of detail on these aspects. On area 2, the key points to capture in detailed protocols and procedures are that recommendations to suspend or remove a private HEI’s licence should initially be made by the new HE quality agency after review of the HEI, and only then move to MoES and finally to the Council of Ministers (see Recommendations 1, 3, 4 and 5 above). On area 3, the key points to capture in detailed protocols and procedures are that, when the new HE quality agency finds evidence of specific illegality (such as fraud) by an HEI, then the agency should provide this evidence directly to the relevant law enforcement agencies which deal with such violations, for appropriate action by these agencies (see Recommendations 1, 4, 5 and 7 above). On area 4, the key points to capture in detailed protocols and procedures have already been specified precisely in Recommendation 6 above, and include the need to minimise the potential for ‘vexatious’ appeals and also clarify seven particular aspects of any appeals processes (points a. to g. within Recommendation 6 above).

However, some additional comments can be made on area 1 above. As emphasised in Recommendation 1 in the current paper, the review of HE for quality enhancement and assurance in Albania should be

taken forward by a new national agency developed specifically for this purpose. Consistent with European best practice, this agency should function with maximum autonomy from central government. This approach was also emphasised in the experts' earlier June 'Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System' (PACA, June 2012). In that Technical Paper, the experts specifically recommended that the new HE quality agency should be based on a reformed and strengthened Public Agency for Assurance of Higher Education (PAAHE), developing from and replacing the existing PAAHE and Accreditation Council (see Recommendation 5, PACA, June 2012).

On detailed organisational structure, the experts recommended that the agency reflects the type of European best practice to be found in the QAA in the UK and Scotland. This should involve an agency whose corporate governance is based on an independent board, and with a core permanent staff employed by the agency, and appointed on the basis of their relevant expertise. The actual work of review should be undertaken by teams of reviewers working on behalf of the agency. These teams should largely comprise peer reviewers, appointed from senior academics who meet relevant criteria, and including international academics. Teams should also include student reviewers. All reviewers should be appointed on a 'review by review' basis from a pool of nominated reviewers, but may be re-appointed to serve on more than one review. (See PACA, June 2012, p. 21.)

The June Technical Paper emphasised that the experts remain unclear on many of the details of the composition of the existing PAAHE and the Accreditation Council, and they anticipated further dialogue with the MoES on how the arrangements and staffing of the new HE quality agency would develop from the existing bodies (*ibid*). Certainly, the 2007 Higher Education Law provides some further details on the Accreditation Council. Article 60, par. 3 and 4, indicate members of the Council are nominated for 5-year terms by the Minister of Education and Science from candidates proposed by the groups represented. These groups comprise the MoES, PAAHE,

HEIs, ‘experts in certain fields’, the Council of Higher Education and Science and there is also a student representative. The Chairman of the Council appears to be appointed by the Council of Ministers on the proposal of Minister of Education and Science, after initial proposal from the Council itself.

However, the experts would re-emphasise Recommendation 6.1 in their June Technical Paper, requesting clarification on how the new agency will be developed from the existing PAAHE and Accreditation Council. In particular, they would now add more specific points to be clarified. For example, the details in Article 60, par. 3 of the 2007 Law appear to suggest a number of important ways in which the current arrangements for the Accreditation Council would have to be amended if the Council is to develop into the type of independent board envisaged for the new HE quality agency, comparable with European best practice such as the Board of the QAA in the UK (see QAA UK 2012 for further details on the QAA Board and other aspects of QAA corporate governance). It will be appropriate to have HEI and student representation on the independent board of a new HE quality agency, but it may not be appropriate to have direct representation from MoES or employees of the agency itself (presumably current PAAHE representatives are PAAHE staff). Consideration should also be given to a new independent board including representatives of key national employers and professions, who will clearly have views on the qualities being sought from graduates entering employment in their various fields. If the new agency is partly to reflect the appropriate autonomy of the HE sector, consideration should be given to HE representation on the board being a majority, rather than ‘in balance’ with other parties (see Article 60, par. 3). A transparent system of ‘public board’ appointments will need to be developed to establish a wider approach than simply appointment of members and a Chairman by the Minister and Council of Ministers following Ministerial recommendation. This could include the new board itself electing its own chairman and appointing new members, once an initial board has been established. It could also include consideration of any potential use of a form of the ‘Selection Commission’ approach currently used for the selection

of experts for membership of the Council of Higher Education and Science (see Article 66, par. 2 of the 2007 Law). Reference to the current Council of Higher Education and Science also re-emphasises the need for clarifications on the role of the Council of Higher Education and Science in relation to any new HE quality review system, as previously requested in Recommendations 6.1 of the experts' June Technical Paper. This may even include consideration of whether or not the Council of Higher Education and Science could be merged with the new HE quality review agency. However, as with moving from the current Accreditation Council to a new independent board for the HE quality agency, any future position on the Council of Higher Education and Science in relation to HE quality review will have to address the current level of direct Ministry and Council of Ministers' involvement in the Council.

Consideration of all these specific points emphasises the underlying issue in clarifying details on the new HE quality agency, such as its composition and system of governance. The detailed establishment and operation of the agency's system of governance, particularly its board, must ensure that the agency functions as genuinely independent of the central Albanian Government.

As previously mentioned, the experts would urge that, as far as possible, such details on the nature of the new HE quality agency (and on its relationship with the MoES and Council of Ministers, its relationship with other law enforcement agencies, and relevant appeals/complaints procedures) are established in the amended Higher Education Law itself, and developed in subsequent documentation of the new agency, with minimal use of additional 'sub-legal acts'.

Recommendation 10: It is essential that the proposed new national HE quality review system is based on sufficiently clear and full details on:

- (a) The nature of the new HE quality agency itself; in particular, details which confirm that the composition and system of governance of the new agency ensure that the agency functions as genuinely independent of the central Government. The agency should be governed by an independent board whose

membership and method of appointment reflect European best practice for corporate governance of such independent agencies, and which do not involve the direct and extensive role of central government to be found with current Albanian bodies such as the HE Accreditation Council and the Council of Higher Education and Science.

- (b) **The protocols and procedures on the relationship between the new HE quality agency and the MoES and the Council of Ministers over the suspension and removal of private HEI licences.**
- (c) **The protocols and procedures on the relationship between the new HE quality agency and other law enforcement agencies on issues of illegality by HEIs relating to general dishonesty.**
- (d) **The protocols and procedures on appeals/complaints against decisions taken within the HE quality review system by the new HE quality agency, the MoES and the Council of Ministers respectively.**
- (e) **However, as far as possible, core details within these areas should be established in the amended Higher Education Law itself, and additional details developed in subsequent documentation of the new HE quality agency. Therefore, there should be minimal use of additional 'sub-legal acts', if these are required at all.**

7 CONCLUDING REMARKS

As mentioned in the Introduction, this is the second of three Technical Papers which the experts are providing between June and September 2012 on review of Albanian HEIs for quality assurance and enhancement. In the first Technical Paper - 'Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System' (PACA June 2012) - the experts generally recommended that HE quality review for enhancement and assurance should be taken forward by a new independent national agency specifically responsible for HE quality. Within that paper the experts included a section making recommendations for amendments to the Law on Higher Education, intended to help achieve the HE quality review system they propose.

Since the first Technical Paper, the experts have received the draft amendments proposed to the Higher Education Law relating to the inspection of HEIs. The current paper has assessed these draft amendments in detail, and has produced a series of recommendations on these proposed amendments specifically, and some other aspects of an amended Law more generally. These recommendations are designed to ensure that an amended Higher Education Law achieves the type of national HE quality review system proposed by the experts. In the current paper, the experts have also specified key areas where detail must be elaborated sufficiently if their proposed HE quality review system is to be established and function well. However, they have recommended that, as far as possible, this detail should be established in the amended Higher Education Law itself, and additional details developed in subsequent documentation of the new HE quality agency, with minimal use of additional ‘sub-legal acts’.

The underlying aim of this second paper has been to sustain the general argument that Albania should develop HE quality review for enhancement and assurance through a new independent national agency specifically for this purpose. The third Technical Paper will develop the details of this new approach further by considering the content of Manuals for HEI quality reviews to be undertaken within the new system.

8 REFERENCES

Albanian Council of Ministers (2012): Draft Amendments to the Law on Higher Education Law submitted by the Albanian Council of Ministers to the Albanian Parliament. Document made available by PACA staff to experts, July 2012.

Albanian Parliament (2007): *Law On the Higher Education in the Republic of Albania, date 21.05.2007.*

Project Against Corruption In Albania (PACA) (June 2011): *Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions In Albania prepared by Professor Ian Smith and Tom Hamilton, Council of Europe Experts, Council of Europe/European Union.*

Project Against Corruption In Albania (PACA) (December 2011): *Response To And Recommendations Concerning Ministry Of Education and Science Feedback On PACA Assessments Of The Albanian Education System prepared by Professor Ian Smith and Tom Hamilton, Council of Europe Experts, Council of Europe/European Union.*

Project Against Corruption In Albania (PACA) (February 2012): *Final Assessment Of The Use Of PACA Recommendations For The Albanian Education System, Council of Europe/European Union.*

Project Against Corruption In Albania (PACA) (June 2012): *Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System prepared by Professor Ian Smith and Tom Hamilton, Council of Europe Experts, Council of Europe/European Union.*

Quality Assurance Agency for Higher Education (QAA) UK (2012): *Corporate Governance of QAA UK.* Available online at <http://www.qaa.ac.uk/AboutUs/corporate/Pages/default.aspx> (accessed 01/08/12).

**RECOMMENDATIONS FOR THE CONTENT OF MANUALS
FOR THE INSPECTION OF HIGHER EDUCATION
INSTITUTIONS**

*Prepared by Professor Ian Smith and Tom Hamilton,
Council of Europe experts,
September 2012*

ECU-PACA-17/2012

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INTRODUCTION

The current Technical Paper is the third and final paper to address inspections of HEIs between June and September 2012, provided by experts from the General Teaching Council of Scotland. The current Technical Paper focuses on the content of manuals for the inspection of HEIs, providing a list of manuals needed and detailed recommendations on coverage of the following within manuals:

- (a) The criteria for launching inspections in HEIs
- (b) Procedures for the inspection process, including all aspects of the inspection process from decisions on carrying out an inspection to the final inspection report
- (c) Inspection standards, i.e. criteria by which education institutions should be judged, and how the criteria in question should be measured/assessed
- (d) The format/structure of inspection reports

As will be discussed in Section 2 below, the current Paper will generally use the experts' preferred term – 'quality enhancement and assurance' - rather than 'inspection' of HEIs. The experts believe that using this term has additional advantages in the Albanian context, where 'inspection' is understood almost exclusively as a process of 'top-down' detection of violations of laws or rules. As the previous two papers have underlined, while inspections should indeed identify such violations and notify further where they are detected, this should not be the primary focus of inspections of education institutions.

In providing the guidance contained in this Technical Paper, the experts have drawn heavily upon the documentation and procedures of the Quality Assurance Agency for Higher Education (QAA) in the UK, both the QAA's general approaches UK-wide and the QAA's particular approaches in Scotland. The experts judge these UK and Scottish approaches to be highly appropriate examples of European best practice. On the other hand, as mentioned in Section

2, the experts also wish to emphasise that they have not been asked to provide the actual content of Review Manuals as such, but rather recommendations on what should be covered in actual content.

Therefore, the experts have used the UK and Scottish references to give recommendations at a level of detail which will give the relevant Albanian stakeholders the necessary space to produce the final, full detail of content for local circumstances. However, the experts would urge that this detail is finalised in a way which is consistent with the specific Recommendations within the current Technical Paper, and with the underlying principles of a new national system for HE quality enhancement and review, as developed especially in the experts' first Technical Paper. The experts look forward to developing discussion of these approaches further in forthcoming working meetings with relevant MoES officials.

1 SUMMARY OF FINDINGS AND RECOMMENDATIONS

In the original version of this Technical Paper, this section included a full repeat of the Recommendations contained within the main text. In the current version, the Recommendations only appear at the appropriate places in the main text.

2 GENERAL APPROACH TO RECOMMENDATIONS FOR CONTENT OF MANUALS FOR REVIEW OF HEIs

In their earlier Technical Paper 'Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System' (PACA June 2012), the experts have already indicated their preference for language based on the term 'HE review for quality enhancement and assurance' rather than the term 'HE inspection'. Although the term 'inspection' is used in the PACA specification for the current paper and in recent Albanian Government documentation, the experts will continue to

use ‘review for quality enhancement and assurance’ as far as possible throughout this Paper, and to recommend the use of this term in subsequent Albanian Government documentation.

The experts have been asked to make detailed recommendations on four specific aspects for inclusion in manuals for HE review for quality enhancement and assurance: (a) the criteria for Launching reviews (b) procedures for the review process, including all aspects of the review process from decisions on carrying out a review to the final review report (c) review standards, i.e. criteria by which HEIs should be judged, and how the criteria in question should be measured/assessed (d) the format/structure of review reports. Each of these aspects will be covered in a separate section in the Technical Paper. The experts have also been asked to provide a list of review manuals needed. In a sense, a large, single review manual could be produced, with four sections corresponding to the four aspects identified above. However, this document would probably be too large. The most appropriate approach would seem to involve four separate manuals, one for each of the four aspects, although the manual on procedures will certainly need to be sub-divided formally into a number of significant sub-sections (see below). This would give the following list of manuals:

- (i) A Manual on Criteria for Launching Reviews
- (ii) A Manual on Procedures for All Aspects of the Review Process, including sub-sections on (a) The HEI’s Self-Evaluation Document (b) ‘Exceptional Circumstances’ Response by the HE Quality Agency (c) The Review Team (d) The Review Visits (e) The Reporting Process
- (iii) A Manual on Review Standards
- (iv) A Manual on the Format and Structure of Review Reports

In making detailed recommendations for the content of these manuals, the experts will draw heavily upon the details within the recommendations they have already made on these topics in their earlier Technical Paper ‘Assessment of Provisional System of

Inspections of Higher Education Institutions and Recommendations for the Future Inspection System' (PACA June 2012). In particular, the June Technical Paper covered 'Criteria for Launching Reviews' in Recommendations 7.1-7.5, 'Procedures for All Aspects of the Review Process' in Recommendations 8.1-8.5, 'Review Standards' in Recommendations 9.1-9.5, and 'Format and Structure of Review Reports' specifically in Recommendation 8.5. The relevant sections of the current Technical Paper will emphasise that the detail within these earlier Recommendations must be addressed in the appropriate Review Manual.

As explained in the earlier Technical Paper 'Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System', much of the detail proposed by the experts is based on the approaches and documentation of the Quality Assurance Agency for Higher Education (QAA) in the UK, both the QAA's general approaches UK-wide and the QAA's particular approaches within Scotland (within an overall UK-wide framework, there are some variations in the Scottish-specific approaches) (see PACA June 2012, p. 12). Particular use was made of the Enhancement-led institutional review handbook: Scotland (Second edition) (QAA Scotland 2008) (see PACA June 2012, p.26) and the UK Quality Code for Higher Education (QAA UK 2012) (see PACA June 2012, pp.28-29).

Recommendations in the current Paper will continue to be based on these documents. More specifically, details from the Enhancement-led institutional review handbook: Scotland (Second edition) relate particularly to the recommendations for manual content on criteria for Launching reviews (Recommendations 2.1-2.5), procedures for all aspects of the review process (Recommendations 3.1-3.5), and the format and structure of review reports (Recommendations 5.1-5.5). Details from the UK Quality Code for Higher Education relate particularly to the recommendations for manual content on review standards (especially Recommendations 4.3-4.5).

Although QAA Scotland has produced a Third edition of the

Enhancement-led institutional review handbook (QAA Scotland June 2012) since the experts wrote their June Technical paper, the experts do not wish to amend any of their detailed recommendations in the light of this Third edition. None of the amendments in the Third edition are on fundamental principles, and they do not alter the appropriateness of including QAA Scotland approaches from the Second edition as the basis of European ‘best practice’ recommendations.

In making recommendations on the content of review manuals, the experts see these future manuals as guidance for reviewers in conducting HEI quality reviews, but also as guidance for HEI staff in preparing for, and participating in, these reviews. The experts also wish to emphasise that they have not been asked to provide the actual content of review manuals as such, but rather recommendations on what should be covered in actual content. They envisage that the relevant Albanian stakeholders will subsequently produce the final, full content, based on the experts’ recommendations.

Recommendation 1: Consistent with the principles outlined in the experts’ earlier Technical Paper ‘Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System’ (PACA June 2012), the content of manuals for ‘inspection’ of Higher Education Institutions (HEIs) should be presented as far as possible as details for a system of Higher Education (HE) review for quality enhancement and assurance. There should be four manuals:

- (a) A Manual on Criteria for Launching Reviews;
- (b) A Manual on Procedures for All Aspects of the Review Process (with formal sub-sections on The HEI’s Self-Evaluation Document, ‘Exceptional Circumstances’ Response by the HE Quality Agency, The Review Team, The Review Visits, and The Reporting Process);
- (c) A Manual on Review Standards;
- (d) A Manual on the Format and Structure of Review Reports.

Recommendations in the current Technical Paper should be considered alongside the related Recommendations 7.1-7.5, 8.1-8.5 and 9.1-9.5 from the June Technical Paper, and seen as consolidation and extension of these earlier Recommendations. In implementing Recommendations on the content of HE review manuals, the approaches and documentation of the Quality Assurance Agency for Higher Education (QAA) in the UK generally, and Scotland specifically, should be seen as particularly helpful exemplars of European ‘best practice’ approaches.

3 DETAILED RECOMMENDATIONS FOR MANUAL CONTENT ON CRITERIA FOR LAUNCHING REVIEWS

In the earlier Technical Paper ‘Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System’ (PACA June 2012), the experts made detailed Recommendations on the main criteria for i) launching and ii) conducting HEI inspections (see June Recommendations 7.1 to 7.5).

It follows from these earlier Recommendations that a Manual on Criteria for Launching Reviews must provide detail on the following aspects:

Firstly, the overall framework for the national HE quality agency’s work on reviews must be set out. This will involve indicating the distinction between full, regular quality reviews and additional ‘specific cause of concern’ reviews. The framework will confirm that a national timetable should involve all HEIs experiencing a full review every four years, but with immediate priority given to full review of all private HEIs. The framework will also confirm that the national HE quality agency will have an annual ‘engagement’ with every HEI. (following from June Recommendations 7.2, 7.4, 7.1 and 7.3.)

Secondly, the nature of the annual ‘engagement’ between the national HE quality agency and each HEI must be detailed. This will involve clear guidelines on the annual report which each HEI must submit to the agency. It will also involve clarifying the nature of the annual

meeting between a senior agency official and senior staff from the HEI, including the possible outcomes of these meetings. (following from June Recommendation 7.3.)

Thirdly, the protocols for additional ‘specific cause of concern’ reviews must be fully developed. The nature and scope of what may constitute a ‘specific cause of concern’ needs to be established. This involves clarifying why the HE quality agency might wish to initiate such reviews after its annual meeting with an HEI. It also involves clarifying the mechanisms for other stakeholders to raise concerns which may then lead to a ‘specific cause of concern’ review, and clarifying the criteria to be used by the national agency in deciding whether or not such concerns merit a review being undertaken. It will also be necessary to specify how the national agency will progress such inquiries/reviews. (following from June Recommendation 7.4.)

Fourthly, approaches need to be detailed on the depth of focus to be given to various aspects of an HEI’s provision when conducting regular, full reviews. While reviewers should cover all aspects of provision sufficiently to assure themselves that appropriate quality standards are being sustained and enhanced, guidelines will be required on the type of evidence from the early stages of a review (including the initial HEI’s self-evaluation document) which should lead reviewers to give more intensive focus to particular aspects of an HEI’s provision. (following June Recommendation 7.5.)

Therefore, the following Recommendations for manual content are now required to consolidate/expand upon the original June Recommendations relating to the criteria for Launching Reviews (as mentioned in Section 2 earlier, these Recommendations can be related particularly to the QAA Scotland Enhancement-led institutional review handbook: Scotland [Second edition], QAA Scotland 2008):

Recommendation 2.1: The Manual on Criteria for Launching Reviews should set a clear framework for the overall national review of HE for quality enhancement and assurance, distinguishing between the full, regular reviews which all HEIs will experience every four years,

additional reviews which may be conducted for any HEI giving ‘specific cause of concern’, and the annual ‘engagement’ which each HEI will have with the national HE quality agency. The framework should also confirm that the national timetable for full, regular reviews will give immediate priority to the full review of all private HEIs.

Recommendation 2.2: The Manual on Criteria for Launching Reviews should provide full details on the nature of the annual ‘engagement’ between the national HE quality agency and each HEI. These details should include:

- (a) Full specifications on the annual report which each HEI will submit to the agency. These guidelines should include specifying a standard format for providing institutional profile information on student numbers at the three cycles, student assessment data and analysis, and staff numbers and profiles. The guidelines should also indicate the level of detail required in summaries of internal quality assurance activities during the year. A national timetable should be provided indicating when reports are required, and establishing an appropriate time-frame between receipt of the report and the annual meeting (see below).
- (b) Full guidelines on the annual meeting to be held between the HE quality agency and the HEI. The guidelines should clarify the level of seniority of the agency official who will represent the agency, and indicate the type of HEI representation expected at the meeting (based on a small number of senior staff, including the head of the HEI). Exemplar agenda for the meeting should be provided. The nature of the record of meeting to be provided by the agency, including the format for a note of any action points for the HEI, should be clarified, in particular if the meeting gives rise to a ‘specific cause of concern’ for the agency (see below).

Recommendation 2.3: The Manual on Criteria for Launching Reviews should provide full protocols on the launching and conducting of additional quality reviews outside the cycle of regular reviews, where specific causes of concern have arisen over an HEI. These protocols should:

- (a) Illustrate the type of evidence which may lead to the HE quality agency initiating a ‘specific cause of concern’ review after its annual ‘engagement’ with an HEI.

- (b) Distinguish between complaints about individual treatment (e.g., an individual's dispute about specific academic judgements within assessment marking) and concerns over serious systemic or procedural problems with an HEI (e.g., an HEI's systemic failure to follow appropriate assessment procedures), and outline a communication strategy to ensure that other stakeholders appreciate this distinction.
- (c) Specify how other stakeholders (which could include central government, academic staff, students, the general public and the press) can formally raise a 'cause of concern', including the format for any such communication to the HE quality agency, and the protocols for its initial receipt by the agency, including timeframes for acknowledgement and response, and any appropriate position on confidentiality to be taken by the agency.
- (d) Clarify the nature of the initial inquiry into a 'specific cause of concern' by HE quality agency staff, and how findings will then be reported (including any 'action points' for the HEI) where it is judged unnecessary to proceed to a full investigative review after an initial inquiry stage.
- (e) State criteria for an HE quality agency decision to move from the initial inquiry stage on 'a specific cause of concern' to a full investigative review by a normal review team, and provide guidelines for the review team's decision-making on how far it should then focus exclusively on the issues of concern, or widen the review to other aspects of the HEI's provision. Associated guidelines will also be required on how a review team is to report, if the review does not widen sufficiently to enable the standard review report format to be used (see Recommendations 5.1-5.4 below for the standard report format).

Recommendation 2.4: The Manual on Criteria for Launching Reviews should provide guidance on the depth of focus to be given by reviewers to the various aspects of an HEI's provision when conducting regular, full reviews. While reviewers should cover all aspects of provision sufficiently to assure themselves that appropriate quality standards are being sustained and enhanced, it may be necessary for a review team to give more intensive focus to particular aspects of provision, where initial evidence for quality enhancement and assurance may be less

convincing. Guidance should illustrate what may make initial evidence unconvincing, principally the omission of key information from the HEI's self-evaluation document, or the highlighting of a particular issue by the HEI within its own self-evaluation. Recommendation 3.1 below details the five main sections to be covered in the self-evaluation document, and the content to be included within each section. The review team should make systematic use of Recommendation 3.1 as a check-list for identifying omissions of key information or suggestions of 'negative concerns' in the HEI's own self-evaluation.

4 DETAILED RECOMMENDATIONS FOR MANUAL CONTENT ON PROCEDURES FOR ALL ASPECTS OF THE REVIEW PROCESS

In the earlier Technical Paper 'Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System' (PACA June 2012), the experts made detailed Recommendations on the main content of HEI inspection procedures, from decisions to launch an inspection to the final inspection report (see June Recommendations 8.1 to 8.5). It follows from these earlier Recommendations that the Manual on Procedures for All Aspects of the Review Process must provide detail on the following aspects:

Firstly, clear instructions should be given on what HEIs should include within each section of the institution's self-evaluation document. (following from June Recommendation 8.1.)
Secondly, criteria should be established to clarify the type of evidence from a private HEI's self-evaluation document which will make it appropriate for the national HE quality agency to contact the MoES immediately with a view to suspension or removal of licence, without proceeding to a full review process. (following from June Recommendation 8.2.)

Thirdly, the full criteria should be given which the various categories of Review Team members must meet (Albanian senior academic peer reviewers, international senior academic peer reviewers, student

reviewers, coordinating reviewers), and the respective roles within review of the coordinating reviewer and supporting senior national quality agency staff member should be clarified. (following from June Recommendation 8.3.)

Fourthly, full exemplar programmes should be provided for the days within the two-part review visits to HEIs. (following from June Recommendation 8.4.)

Fifthly, an overview of the timetable and general nature of review reporting should be given in summary form, but the full guidance on the writing of review reports should be included in the separate Manual on the Format and Structure of Review Reports (following from June Recommendation 8.5, and see also Section 6 and Recommendations 5.1-5.4 in the current Paper.)

Therefore, the following Recommendations for manual content are now required to consolidate/expand upon the original June Recommendations relating to procedures for all aspects of the Review process (as mentioned in Section 2 earlier, these Recommendations can be related particularly to the QAA Scotland Enhancement-led institutional review handbook: Scotland [Second edition], QAA Scotland 2008):

Recommendation 3.1: **The Manual on Procedures for All Aspects of the Review Process should include a sub-section on the HEI's Self-Evaluation Document. This should provide clear instructions on overall length and style, and on the content which HEIs should include within each section of the institution's Self-Evaluation Document. For example, for individual sections (as numbered in Recommendation 8.1 of PACA's June Technical Paper), these instructions should include:**

For (1), An Introductory section: specification of the type of information to be included in an institutional profile; examples of the type of recent changes and developments within an HEI which could be regarded as 'key' in the context of review for quality enhancement and assurance; an indication of the level of detail looked for in describing how the Self-Evaluation Document has been produced, including how staff and students have been involved.

For (2), A Management of the student learning experience section: definitions of the type of student information which needs to be managed effectively in relation to quality enhancement and assurance; examples of the type of activity involved in effectively engaging and supporting students in the learning experience, effectively managing the student learning environment, and effectively providing staff support and development to promote appropriate student learning.

For (3), An Institution-led monitoring and review of quality and standards section: specification of the types of external reference points on quality and standards which could be used in institution-led monitoring and review, and specification of the type of information about quality and standards, including public information, which could be managed to support monitoring and review; illustrations of the aspects of assessment policy and practice which need to be managed effectively to set and maintain academic standards; examples of how monitoring and review can be linked to enhancement of quality and standards.

For (4), A Strategic approach to quality enhancement section: a definition of the level of approach to quality enhancement which can be regarded as 'strategic' for an HEI; specification of relevant external reference points for national and international best practice in quality enhancement, and examples of how an HEI could use these effectively in its own quality enhancement; examples of possible effective internal dissemination of good practice on quality enhancement within an HEI.

For (5), A Conclusion section: guidance on the length of this summary section, and the extent to which it should repeat earlier points or introduces new ones; any indication of whether the HEI should be asked to give an overall self-evaluation against the judgement criteria which will subsequently be used by the review team.

Recommendation 3.2: The Manual on Procedures for All Aspects of the Review Process should include a sub-section clarifying the type of evidence from a private HEI's Self-Evaluation Document which will make it appropriate for the national HE quality agency to contact the Ministry of Education and Science (MoES) immediately with a view to suspending or removing the HEI's licence, without proceeding to a full review process. Such evidence is likely to include:

- (a) **Absence of information in the Introductory section establishing that the HEI meets the basic criteria for relevant HEI status (in terms of the cycles of higher education offered, and minimum numbers of faculties, departments and full-time academic staff) as specified in the relevant existing Albanian Government documentation (see Recommendation 4.2 below).**
- (b) **Consistent failure to demonstrate that there is effective management of an appropriate student learning experience.**
- (c) **Consistent failure to demonstrate that there is effective institution-led monitoring and review to maintain appropriate academic standards.**
- (d) **Absence of any strategic approach to quality enhancement at institutional level.**
- (e) **Compelling, even if indirect, evidence of dishonest illegal activity.**

***Recommendation 3.3:* The Manual on Procedures for All Aspects of the Review Process should include a sub-section detailing criteria for the various categories of Review Team members. In particular, these criteria should comprise:**

- (a) **For senior Albanian academic peer reviewers (typically 3 per Team): current or recent (within the past three years) wide experience of HE quality assurance and enhancement, preferably including academic management at the institutional level; personal and professional credibility with HEI staff, including heads of institution, other senior managers, and staff currently engaged in learning and teaching; knowledge and understanding of the new national HE review system for quality enhancement and assurance, including through undertaking any required training.**
- (b) **For senior international academic peer reviewers (1 per Team): current or recent (within the past three years) wide experience of internal HE quality assurance and enhancement, preferably including academic management at the institutional level; current or recent (within three years) experience of external**

review of HEIs in their own country or elsewhere, either as a review team member or through senior involvement with a quality enhancement and assurance agency; international comparative knowledge and understanding of HE quality enhancement and assurance; knowledge and understanding of the new Albanian HE review system for quality enhancement and assurance, by undertaking initial familiarisation reading.

- (c) For student reviewers (1 per Team): current or recent (within the past year) experience of study at an Albanian HEI, with a minimum period of HE study to date of the equivalent of one year's full-time education; experience of representing students' interests at institutional (including Faculty or departmental) level and/or regional/national level; knowledge and understanding of the new national HE review system for quality enhancement and assurance, including through undertaking any required training.
- (d) For the coordinating reviewer: current or recent (within the past three years) wide experience of HE quality assurance and enhancement at institutional management level, either in a relevant senior academic or senior administrative post; wide experience of working with senior committees in HE, preferably with experience as a chair; wide experience of leading teams in the HE context; credibility with HEI staff, including heads of institutions, other senior managers, and staff currently engaged in learning and teaching; knowledge and understanding of the new national HE review system for quality enhancement and assurance, including through undertaking any required training.
- (e) For the supporting member of staff from the national HE quality agency: holding a permanent post with the new national HE quality agency of sufficient seniority to achieve credibility with HE staff, including heads of institutions and other senior managers.

In addition, the Manual on Procedures for All Aspects of the Review Process should clarify the respective roles within the review process of the coordinating reviewer and the supporting senior national quality agency permanent staff member. In particular, the Manual should confirm that, while the coordinating reviewer is no more than 'primus inter pares' in

ensuring that the Review Team moves towards collegial and collective decision-making, the senior national quality agency staff member simply services the Team (for example, while the national agency staff member may work on draft Reports, this will only be at the direction of the coordinating reviewer, who in turn will be reflecting the views of the Review Team).

Recommendation 3.4: The Manual on Procedures for All Aspects of the Review Process should include a sub-section detailing the types of activities to be included within the Review visits to HEIs, including full exemplar programmes for typical days. In particular, details should include:

- (a) For the part one visit (lasting two days): The first half day should involve the HEI providing a programme of activities (presentations etc.) to give an overview of its provision and approaches. The rest of day one and most of day two should include a meeting with a group of senior staff, a meeting with student representatives, and a meeting with a wider group of staff who have particular experience of the HEI's internal quality review activity. The later part of day two should involve the Review Team sharing with the HEI themes for the part two visit and establishing a draft programme for that visit, including specifying the particular documentation which the Review Team wishes the HEI to provide for the Team's consideration, and the particular types of staff and student groups which the Team will wish to meet.
- (b) For the part two visit (lasting three to five days, and taking place four weeks after the part one visit): The programme for this visit should give the Review Team opportunities to consider documentation requested from the HEI and relating to themes identified during the part one visit, and opportunities to meet with a wider range of staff and students, again particularly with agendas for meetings related to themes identified during the part one visit. The final day of the part two visit should provide significant time for a private meeting of the Review Team to agree conclusions and compile an outline draft report.

Recommendation 3.5: The Manual on Procedures for All Aspects of the Review Process should include a sub-section providing a summary

overview of the timetable and general nature of Review reporting. This will confirm that the senior national HE quality agency official supporting the Review will send a formal letter to the HEI summarising the provisional conclusions of the Review within a week of the part-two visit, followed by a draft of the full report, and a shorter summary of this, within eight weeks of the part-two visit. The Manual should confirm that agreed versions of the full and summary reports will appear on the national HE quality agency's website within twelve weeks. The Manual should specify that HEIs can only seek amendments to draft reports on issues of fact and cannot dispute the reviewers' judgements. However, full guidance on the writing of reports should be provided in the Manual on the Format and Structure of Review Reports (see Recommendations 5.1 to 5.4 below).

5 DETAILED RECOMMENDATIONS FOR CONTENT OF MANUAL ON REVIEW STANDARDS

In the earlier Technical Paper 'Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System' (PACA June 2012), the experts made detailed Recommendations on the main inspection standards, i.e. the criteria by which HEIs are evaluated (see June Recommendations 9.1 to 9.5).

It follows from these earlier June Recommendations that the Manual on Review Standards must provide detail on the following aspects:-

Firstly, full examples should be provided of the types of activities which constitute dishonest illegal activity by an HEI. (following from June Recommendation 9.1.)

Secondly, detailed cross-references should be given to the relevant parts of other Albanian Government documentation which provide the basic criteria for relevant HEI status. (following from June Recommendation 9.2.)

Thirdly, full statements should be provided on the academic standards which HEIs must set and maintain. (following from June Recommendation 9.3.)

Fourthly, full statements should be provided on how HEIs must assure, and continuously and systematically enhance, the quality of learning opportunities provided for students. (following from June Recommendation 9.4.)

Fifthly, full guidance should be provided on the types of public information which HEIs must provide on the learning opportunities they offer, if this information is to be fit for purpose (full and sufficient), accessible and trustworthy. (following from June Recommendation 9.5.)

Therefore, the following Recommendations for manual content are now required to consolidate/expand upon the original June Recommendations relating to Review standards, i.e. the criteria by which HEIs are evaluated (as mentioned in Section 2 earlier, particularly Recommendations 4.3-4.5 can be related to the QAA UK Quality Code for Higher Education, QAA UK 2012):-

Recommendation 4.1: The Manual on Review Standards should provide details of the types of ‘dishonest illegal activity’ which would require the national HE quality agency to refer the HEI to the relevant law enforcement agencies, if evidence of such activity emerged during the Review process. Such activity will include ‘academic irregularity’ (e.g. awarding degrees under false pretences to students who have not completed appropriate courses and assessments successfully), as well as other illegal activity such as ‘financial irregularity’. The Manual should include any specific reference to ‘non-education’ Albanian laws which relevant law enforcement agencies may view as useful for HE quality agency staff to have knowledge of. The Manual should also make clear exactly how the HE quality agency will contact other agencies (including law enforcement as appropriate) and how, if at all, the agency will be involved in subsequent developments following reference to law enforcement agencies.

Recommendation 4.2: The Manual on Review Standards should provide detailed cross-references to the existing Albanian Government documentation which specifies the basic criteria for relevant HEI status in terms of the cycles of higher education offered, and minimum numbers of faculties, departments and full-time academic staff. This documentation recently included Chapter II of the 2007 Law on Higher Education (Albanian Parliament 2007); Chapters I, II and III of ‘State Quality Standards Of Higher Education Institutions (HEI) (MoES 2011a); and Appendix 2 of ‘Procedures And Documentation For The Opening Of A Private Higher Education Institution, Programmes Of Graduate Studies In The First And Second Cycle, Programmes Of Non-Graduate Studies, Of Professional Nature And Also Procedures For Suspension And Revocation Of License’ (MoES 2011b). Documentation may also include equivalent and relevant sections of 2012 versions of the ‘State Quality Standards’ (PAAHE 2012 abcd) only made available to the experts after the current Technical Paper was drafted. The Manual should also provide summaries and extracts of the relevant sections of this documentation.

Recommendation 4.3: The Manual on Review Standards should provide full statements on the academic standards which HEIs must set and maintain. These statements should include full details on:

- (a) The requirements for the relevant levels of the three consecutive cycles of higher education, including detailed cross-references to existing Albanian Government documentation which provides detail on these. The content of this documentation is the same as specified under Recommendation 4.2 above, except that in the 2007 Law it is now Chapter IV, Articles 26 and 27, and in the Standards now Chapter I, Standard I, which are particularly relevant. Summaries and extracts of the relevant sections of this documentation should also be provided in the Manual.
- (b) The format, with associated guidelines and exemplars, for how HEIs should present aims, intended learning outcomes and expected learner achievements for programmes of study.
- (c) The criteria to be met if processes to approve and review the validity and relevance of programmes of study are to be judged as effective, with associated underlying definitions of programme validity and relevance.

- (d) Explanations, with examples, of what constitutes appropriate independent and external participation in the management of academic standards, including for external examiner processes in particular.
- (e) Definitions of what constitutes robust, valid and reliable student assessment, and examples of how institutions ensure such approaches to assessment, including how the award of qualifications and credit is based on the achievement of relevant intended learning outcomes.

Recommendation 4.4: The Manual on Review Standards should provide full statements on how HEIs must assure, and continuously and systematically enhance, the quality of learning opportunities provided for students. These statements should include full details on:

- (a) Explanations, with examples, of what makes student admissions policies and procedures clear, fair, and consistently applied.
- (b) Minimum requirements if strategies for learning and teaching are to be judged appropriate, including specifically for flexible and distance learning, and for work-based and placement learning. Additionally, exemplars of relevant best practice in learning and teaching strategies should be provided, which will demonstrate possible approaches for continuous and systematic enhancement.
- (c) Criteria for effective arrangements to support students in their learning, including specifically arrangements for careers education, information, advice and guidance, and for appropriately meeting the requirements of disabled students.
- (d) Explanations, with examples, of how students can be appropriately and fully engaged in quality assurance and enhancement processes.
- (e) Explanations, with examples, of how assessment practice can promote effective student learning. Minimum requirements should be specified concerning what level and content of feedback to students on assessed work is to be judged as appropriate, timely, and facilitating improvement. Additionally, exemplars of relevant best practice in assessment and feedback

to students should be provided, which will illustrate how assessment practices can be enhanced.

- (f) Explanations, with examples, of how external examiners can be given opportunities to provide comment and recommendations on the continuous innovation and enhancement of assessment practices, and on their impact on the quality of learning opportunities provided to students.
- (g) Definition of 'fit for purpose' in relation to assessment procedures and regulations, and explanations, with examples, of how these procedures and regulations should be regularly reviewed by the HEI to ensure they remain 'fit for purpose'. The definition and explanations should emphasise the importance of: appropriate and clear statements on the role of assessment panels and boards of examiners (including membership, procedures, powers and accountability); appropriate and clear rules on progressing from one stage of a study programme to another, and on qualifying for an overall academic award; consistency across the institution in recording student marks and providing clear information on these to students; effective institution-wide systems for monitoring and reviewing assessment performance, including analysing trends in student results.
- (h) Criteria for effectiveness of programme curriculum and assessment in enabling students to achieve appropriate intended learning outcomes. Explanations should be provided, with examples, of how an HEI should conduct on-going evaluation of this effectiveness, and ensure that this evaluation complements periodic formal approval and review of programmes.
- (i) Explanations, with examples, of how HEIs should provide procedures for handling students' complaints and academic appeals which are to be judged fair, effective and timely.

Recommendation 4.5: The Manual on Review Standards should give full guidance on the types of public information which HEIs are to provide if this information is to be fit for purpose (full and sufficient), accessible and trustworthy. This guidance must include full details on:

- (a) Definitions of what constitutes 'fit for purpose (full and

sufficient), accessible and trustworthy' in relation to public information provided by organisations such as HEIs. The definitions should emphasise the importance of the following features of the public information provided by HEIs: to be fit for purpose (full and sufficient), information must be current and comprehensive enough to meet the requirements of a diverse audience, including potential students, current students, potential employers of graduates, public authorities, the wider public, and interested members of the international community; to be accessible, information must be transparent, and easily available and retrievable, including meeting the access requirements of a diverse audience; to be trustworthy, information must be accurate on individual detail, and overall give a fair reflection of what the HEI has to offer.

- (b) The format, with necessary information specified, for HEIs to present factual details on the institution's academic organisational, leadership and management structure; student numbers (in different subjects and at different levels); staff details (including numbers and qualifications); summary statistics of student programme completions and qualifications awarded.
- (c) Explanations, with examples, of how HEIs can describe their institution's mission, values and overall strategy.
- (d) Specification of what HEIs should include in a description of the process for student application and admission.
- (e) Criteria for the details to be provided by HEIs for prospective students, which will enable these details to be judged sufficient for prospective students to make informed selections of programmes based on an understanding of the institution's academic environment and of the support which it will make available to students.
- (f) Specification of what HEIs should include in full details of programmes of study to be made available to current students at the start of their programme and throughout their studies.
- (g) Criteria for 'clear' statements by HEIs of what the institution expects of current students, and what current students can expect of the institution.

- (h) **Specification of the format and content for the detailed record of their studies to be issued by HEIs to students when they leave their programmes of study, so that this provides full evidence of students' achievements on their programme for others, such as future employers or other educational institutions.**

6 DETAILED RECOMMENDATIONS FOR CONTENT OF MANUAL ON THE FORMAT AND STRUCTURE OF REVIEW REPORTS

Recommendation 8.5 of the earlier Technical Paper 'Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System' (PACA June 2012) specified key features of the HEI quality review reporting system and the reports themselves. Reference should be made to the full version of this Recommendation which appears earlier on p.116 of the current Paper.

It follows from June Recommendation 8.5 that the Manual on the Format and Structure of Review Reports must provide detail on the following aspects:-

Firstly, full definitions should be provided of the three overarching judgements to be reached in the Review Reports: confidence; limited confidence; no confidence.

Secondly, full guidance should be given on how commentaries are to be provided in the full Review Report on: the management of the student learning experience; institution-led monitoring and review of quality and academic standards; strategic approach to quality enhancement.

Thirdly, clear explanations should be provided on the differing levels of detail to be given in the full Review Report, the shorter summary Report and the initial Report letter sent by the national HE quality agency to an HEI.

Fourthly, full guidance should be given on how the following will be presented in the full Review Report, as required: the request for an

HEI's year-on report for the national HE quality agency, following a 'confidence' Report; the action plan set for an HEI by the national agency, following a 'limited confidence' Report; the consequences of a 'no confidence' Report.

(following from June Recommendation 8.5 for all these aspects.)

Therefore, the following Recommendations for manual content are now required to consolidate/ expand upon the original June Recommendations relating to the format and structure of Review Reports (as mentioned in Section 2 earlier, these Recommendations can be related particularly to the QAA Scotland Enhancement-led institutional review handbook: Scotland [Second edition], QAA Scotland 2008):-

Recommendation 5.1: The Manual on The Format and Structure of Review Reports should provide full definitions of the following three standard types of overall judgement on an HEI's provision which may be reached in the Review Report, namely.

- (a) **A judgement of 'confidence' in the Higher Education Institution should be reached where the Review Team finds the HEI is managing the security of academic standards and the quality of the student learning experience effectively and this is likely to continue in the future, including the HEI taking appropriate steps to enhance the quality of the student learning experience continuously.**
- (b) **A judgement of 'limited confidence' should be used where the Review Team finds evidence there are substantial limitations to the HEI's current capacity to manage effectively the security of academic standards and/or the effectiveness of the student learning experience , or such limitations are likely to emerge in the future. In making this judgement, the Review Team will indicate clearly the areas of concern where improvements need to be made.**
- (c) **A 'no confidence' judgement should be used where the Review Team finds there are serious and fundamental weaknesses in the HEI's capacity to secure the academic standards of its**

awards and/or to maintain an appropriate quality of educational provision. In making this judgement, the Review Team will indicate clearly the specific areas of serious and fundamental weakness.

Recommendation 5.2: The Manual on The Format and Structure of Review Reports should provide full guidance on how commentaries are to be made in the full Review Report on the management of the student learning experience, institution-led monitoring and review of quality and academic standards, and strategic approach to quality enhancement. Commentaries should certainly include the following details, but may also include reference to any other relevant specific aspects of the Review Standards detailed in Recommendations 4.1-4.5 above:

- (a) On the management of the student learning experience, the Report should comment on the effectiveness of the HEI's approach to: managing information about its student population; managing the learning environment; engaging and supporting students in their learning; promoting equality of opportunity and effective learning for all of its students; promoting the development of graduate attributes, including those relating to employability, in all of its students; supporting and developing staff to promote effective learning for their students.
- (b) On institution-led monitoring and review of quality and academic standards, the Report should comment on the effectiveness of the HEI's approach to: self-evaluation, including the use made of external reference points; the management of information to inform the operation and evaluation of its monitoring and review activity; setting and maintaining academic standards, including the management of assessment; managing public information about quality and academic standards, including the linkage with the institution's monitoring and review arrangements; linking of the institution's monitoring and review processes to its enhancement arrangements.
- (c) On strategic approach to quality enhancement, the Report should comment on the effectiveness of the HEI's implementation of: its strategies and policies for promoting quality enhancement across the institution; its use of external reference points, including national and international practice, in the institution's approach

to quality enhancement; its identification, dissemination and implementation of good practice in the context of the institution's strategic approach to enhancement.

Recommendation 5.3: The Manual on The Format and Structure of Review Reports should provide clear explanations on the differing levels of detail provided in the full Review Report, the shorter summary Report and the initial Report letter sent by the national HE quality agency to an HEI.

- (a) As discussed under Recommendations 5.1 and 5.2 above, the full Review Report should provide full commentaries on each of the three broad areas: management of the student learning experience; institution-led monitoring and review of quality and academic standards; strategic approach to quality enhancement. These commentaries should cover the relevant areas in sufficient detail to inform fully the staff of the HEI, the wider HE community, officials from the national HE quality agency, and officials from central Government. The commentaries should be followed by the overall judgement on the HEI's provision.
- (b) The summary Report should set out the overall judgement in full, but the summary Report's presentation of the material covered in the full Report's commentaries should be briefer and written for a wider informed lay audience, rather than the more specialist audience envisaged for the full Report. Given the less specialist target audience, the summary Report's presentation of the full overall judgment may also be supplemented by any necessary brief explanatory text.
- (c) The initial Report letter will simply summarise the provisional overall judgement reached by the Review Team, together with a summary of 'key themes' to have emerged during the Review.

Recommendation 5.4: The Manual on The Format and Structure of Review Reports should provide clear guidance on how the full Report should present the various follow-up actions which may be required after a Review.

- (a) For a 'confidence' judgement, this will involve specifying the format for the year-on report to be made by the HEI to the national HE quality agency, with this report including an

indication by the HEI of its on-going enhancement activity following the Report, in particular activity relating to any specific themes highlighted in the Report.

- (b) For a 'limited confidence' judgement, this will involve clarifying how the HEI will specifically demonstrate that it has met the requirements of the action plan set by the national HE quality agency as part of the Review Report. Clarification should also be provided on how the quality agency will keep MoES informed of developments with 'limited confidence' HEIs.
- (c) For a 'no confidence' judgement for a private HEI, this will involve indicating any potential circumstances in which an HEI may be given opportunity for remedial action, and the forms which such remedial action may take, as an alternative to immediate moves by the HE quality agency on the suspension/removal of the HEI's licence. The protocols on the respective roles of the HE quality agency and the MoES on such suspensions/removals of licences should be clarified. For a 'no confidence' judgement for a public HEI, there should be clarification on the nature and timeframes for remedial action by the HEI, and on how the HE quality agency will involve MoES in such situations, including in the possible outcome of a public HEI not taking appropriate remedial action.

7 REFERENCES

Albanian Parliament (2007) *Law On the Higher Education in the Republic of Albania*, date 21.05.2007.

Ministry of Education and Science (MoES) (2011a) *State Quality Standards of Higher Education Institutions (HEI)*, Tirana: Ministry of Education and Science.

Ministry of Education and Science (MoES) (2011b) *Procedures And Documentation For The Opening Of A Private Higher Education Institution, Programmes Of Graduate Studies In The First And Second Cycle, Programmes Of Non-Graduate Studies, Of Professional Nature And also Procedures For Suspension And Revocation of License*, Tirana: Ministry of Education and Science.

Project Against Corruption in Albania (PACA) (June 2012) *Assessment of Provisional System of Inspections of Higher Education Institutions and Recommendations for the Future Inspection System prepared by Professor Ian Smith and Tom Hamilton, Council of Europe Experts, Council of Europe/ European Union.*

Project Against Corruption in Albania (PACA) (July 2012) *Assessment and Recommendations concerning Draft Amendments to the Law on Higher Education Regulating Inspections of Higher Education Institutions, and Sub-Legal Acts to Implement the Law prepared by Professor Ian Smith and Tom Hamilton, Council of Europe Experts, Council of Europe/European Union.*

Public Accreditation Agency for Higher Education (PAAHE) (2012a) *State Quality Standards for Accreditation of Institutions of Higher Education in Albania*, Tirana: PAAHE.

Public Accreditation Agency for Higher Education (PAAHE) (2012b) *State Quality Standards for Accreditation of First Cycle Study Programs (Bachelor)*, Tirana: PAAHE.

Public Accreditation Agency for Higher Education (PAAHE) (2012c) *State Quality Standards for Accreditation of Second Cycle Study Programs (Professional Master, Master of Science, Integrate Diploma)*, Tirana: PAAHE.

Public Accreditation Agency for Higher Education (PAAHE) (2012d) *State Quality Standards for Accreditation of Third Cycle Programs (Doctorate)*, Tirana: PAAHE.

Quality Assurance Agency for Higher Education (QAA) Scotland (2008) *Enhancement-led institutional review handbook: Scotland (Second Edition)*, Glasgow: QAA Scotland.

Quality Assurance Agency for Higher Education (QAA) Scotland (June 2012) *Enhancement-led institutional review handbook: Scotland (Third Edition)*, Glasgow: QAA Scotland (dated May 2012, but not published until June 2012).

Quality Assurance Agency for Higher Education (QAA) UK (2012) *The UK Quality Code for Higher Education*, Gloucester: QAA UK. Available online at <http://www.qaa.ac.uk/AssuringStandardsAndQuality/quality-code/Pages/default.aspx> (accessed 20/06/12).

**COMMENTS AND RECOMMENDATIONS ON THE DRAFT
TEACHERS' CODE OF CONDUCT AND REGULATORY
MECHANISM**

*Prepared by John Anderson, Council of Europe Expert
September 2010*

ECD/33/2010

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1 EXECUTIVE SUMMARY

This Technical Report examines the Albanian Teachers' Code of Conduct and its Regulatory Mechanism ("the Code") of July 2008. This is done against the backcloth of regulatory mechanisms elsewhere and in particular that of the General Teaching Council for Scotland (GTCS) (www.gtcs.org.uk) and its Code of Professionalism and Conduct (CoPAC).

The report recognises the strengths of the Code in regard to content and scope. As a result the recommendations focus mostly upon presentation, structure and approach and in that light, it is recommended that consideration is given to:

- Reviewing the Code's format to make it more succinct, easier to read and understood by both teachers and the public;
- Inclusion of the concept of 'Fitness to practice'
- Differentiation between conduct and competence through a set of separate competence standards for teachers and leaders/managers;
- Re-focusing the Code's somewhat prescriptive approach by introducing a set of overarching, professional principles as a means of reducing some negative aspects of the language used;
- Examining the merits or otherwise of using sets of prescriptive misconduct lists and discussing the associated drawbacks and risks;
- Setting out more clearly the Code's purpose, status and scope;
- Promotion of the notion of personal regulation and professional judgment to be exercised by teachers **themselves**;
- Teachers' entitlement to a private life and setting the associated expectations;
- The logic of 'future-proof' the Code;
- Including "Professional", 'Professionalism' or similar in the title.

2 INTRODUCTION AND BACKGROUND

2.1 Context for the Technical Report

This Technical Report reflects many aspects of professional regulation across other professions such as Law, Medicine, Nursing and Social Work within Scotland and the rest of the UK. For many years there have been professional regulatory bodies for the professions, which as their core duties, carry out many (and more) of the functions that are proposed for the Teachers' Conduct Council in Albania. These bodies include for example the General Teaching Council for Scotland (GTCS) and the General Medical Council (GMC) established by statute in 1965 and 1858 respectively. In common with other regulators, the GTCS and GMC (and not government) hold registers of individuals who are deemed to be fit (in regard to qualifications, training and conduct) to practice their respective professions.

In recent years the whole issue of professional self-regulation in Scotland and in the UK has come under scrutiny following the Shipman enquiry. The main concerns were based on the reality/or perception that self-regulation is too 'cosy', and that the profession through its self-regulator will put the interests of the teacher or doctor member before that of the public. This has resulted in a fresh approach to regulation, part of which is the production of Codes of Practice/Conduct to give guidance to professionals and manage the expectations of the public and consumers in regard to those professionals in which they, quite properly, are entitled to place a high degree of trust.

In compiling this report, the author has also taken endeavoured to take into account:

- the fact that there has already been wide discussion and debate which has brought the July 2008 draft of the Albanian Code thus far;
- (to the best of the author's knowledge and understanding), the cultural and context of Albania and

- the project's principal aim in regard to 'petty corruption'

2.2 The Philosophical Perspective Of Regulation And Codes Of Conduct

The Regulatory Mechanism detailed in part II of the Code has quite a lot in common with the self-regulation models in other parts of the world comprising the following key elements:

- Central Institute/organisation which is separate from Government (egMoES)
- Works closely in the discharge of its functions with local stakeholders, eg employers, local commissions
- Council composition comes from a wide range of stakeholders (including Unions)
- Restricts or removes the right to teach by means of sanction or warning

It is not dissimilar to the Teaching Council model, of which the General Teaching Council for Scotland (GTCS) is an example. Historically this is a model, which has not been widely adopted in Europe and is more prevalent in countries such as the UK, Canada, Australia and New Zealand. Therefore Albania is taking an important positive step in establishing the TCC and in particular the in the way it has been structured.

The key feature of any regulatory framework for teachers is its purpose should be to **protect** the public (in particular children and young people in the widest sense) and **not** to **punish** the individual. This goes hand-in-hand with the need to maintain the good standing of the teaching profession and the trust and confidence that both the profession and the public have in the regulatory framework in place.

The safety and good educational welfare of children and young people is central to the fabric of society and shaping our future.

Therefore the role of competent and professionally fit teachers is absolutely pivotal in that endeavour.

Regulatory partnership is also essential and in the case of teachers this should comprise the three key elements of Regulator (such as the TCC), employers and the individual teacher. The role of the Regulator is self-evident, however the employer has a key role in providing regulation in the workplace. This can be achieved by for example:

- giving advice and guidance in schools and informing the national educational debate;
- dealing with less serious conduct/competence transgressions and
- within the workplace, providing a professional and collegiate environment and encouraging professional dialogue and reflective practitioners

However the individual teacher has a pivotal role to play in this 'regulatory triangle' by way of **personal regulation**. The teacher, as a professional should be regulating himself or herself, with Code and Standards informing and underpinning the many professional judgments they have to make.

However in regulating any profession there must 'buy-in' from those who are being regulated and thus made subject to the Codes and regulations. Whilst accepting that there may of course be overlap between the two, any regulatory framework must strike a fair balance between a teacher's private and professional life. A framework should also empower and support the professional in making his or own professional judgments on a day-to-day basis; the old maxim of 'prevention rather than cure' comes therefore to the fore as does the importance of professional codes.

3 THE DRAFT CODE: SUMMARY OF CONTENT

3.1 Introduction

The introduction to the Code details the consultation process to date and that it is part of a wider framework of the “Promoting Transparency in Education” project. In particular the Code of Conduct is intended to address the issue of ‘petty corruption’ in public schools.

Sections I.1-I.2 outline to some extent which teachers will fall under the jurisdiction of the Code and also the aims of:

- Determining teachers’ conduct rules in accordance with contemporary standards of professional conduct
- Helping teachers attain these standards
- Make the public aware if the type of conduct expected of teachers when they exercise their professional duties

Thereafter sections I.3 to I.9 lists, in some considerable detail, the prohibited behaviour within the following settings:

Section (3)	Teacher-pupil relationship
Section (4)	Teacher-manager relationship
Section (5)	Manager-teacher relationship
Section (6)	Teacher-parent relationship
Section (7)	Teacher-teacher relationship
Section (8)	Outside the premises of the education establishment
Section (9)	Dress Code for teachers

Part II of the Code details the Regulatory Mechanism and presumably the legislative authority for the Code and the Teachers’ Conduct Council/Commissions (TCC). This includes the composition of the TCC associated competencies, functions and repertoire of Measures and Sanctions where a Code breach is substantiated.

3.2 Content

In general the Code includes the main elements required of a regulatory tool of this nature. Further additions and matters of structure, format and presentation are discussed in Section 4 below.

Section (3) Teacher-pupil relationship

The key issues in this section can be summarised as follows:

- I. Violence against pupils
- II. Discrimination against pupils
- III. Respect for and fair treatment of pupils
- IV. Bribery and blackmail
- V. Political and/or religious activity
- VI. Inappropriate relationships, misuse of internet and technology
- VII. Indecent images of pupils
- VIII. Health and safety
- IX. Confidentiality of pupil information
- X. Dishonesty in regard to examinations and assessment
- XI. Classroom mismanagement
- XII. Failure to follow the curriculum
- XIII. Teaching your own children

Section (4) Teacher-manager relationship

The key issues in this section can be summarised as follows:

- I. Insubordination
- II. Discrimination
- III. Respect
- IV. Make unfounded accusations
- V. Professional dishonesty
- VI. Intimate relationship with manager
- VII. Political and religious beliefs
- VIII. Threatening behaviour
- IX. Informing the manager of personal problems which may impact upon teaching duties
- X. Gaining favour with the manager using corrupt means

- XI. Unsatisfactory performance
- XII. Public display of unprofessional behaviour (Rule 8)

Section (5) Manager-teacher relationship

The key issues in this section can be summarised as follows:

- I. Good staff management skills
- II. Discrimination
- III. Respect
- IV. Confidentiality
- V. Bullying and harassment
- VI. Intimate relationship with teachers
- VII. Political and religious beliefs
- VIII. Abuse of position of manager
- IX. Bribery and corruption
- X. Threatening behaviour
- XI. Informing the manager of personal problems which may impact upon teaching duties
- XII. Unsatisfactory performance
- XIII. Public display of unprofessional behaviour (Rule 8)

Section (6) Teacher-parent relationship

The key issues in this section can be summarised as follows:

- I. Abuse of professional relationship for personal gain
- II. Abuse of professional relationship to advantage the school
- III. Have intimate relationships with pupil's parent on school premises
- IV. Confidentiality
- V. Require parents to act as unqualified teachers
- VI. Take into account the views and contributions of parents
- VII. Respect
- VIII. Address educational issues directly with parents
- IX. Use appropriate and professional behaviour
- X. Smoking and drinking issues

Section (7) Teacher-teacher relationship

The key issues in this section can be summarised as follows:

- I. Work in collegiate fashion
- II. Undermine colleagues
- III. Disregard inappropriate professional conduct of colleagues
- IV. Respect
- V. Intimate relationships with colleagues in the workplace
- VI. Bullying and harassment
- VII. Use school property for personal gain

Section (8) Rules of Conduct outside the premises of the education establishment

The key issues in this section can be summarised as follows:

- High standards of honesty and integrity
- Inappropriate behaviour
- Commission of criminal acts
- Prohibition of carrying firearms, knives etc

Section (9) Dress Code

The key issues in this section can be summarised as follows:

- Appropriate dress to be worn by teachers on school premises
- No provocative dress, jewellery and tattoos both on and outwith school premises
- Teachers should be examples of hygiene and cleanliness

4 STRUCTURE AND FORMAT

The current structure of the Code is somewhat overwhelming and lengthy resulting in a high level of duplication impacting upon the same 360-degree set of relationships in which a teacher operates.

There needs to be a positive underpinning notion of “Fitness to teach” both throughout the Code and in the way it is enforced and cases/allegations are adjudicated. This aspect is discussed further in Part E below. In general, key recommendations/suggestions for the code are to:

- Frame a set of overarching, high-level principles for the Code
- Collapse/combine some of sections 3 to 9 and include managers more fully within the scope of the Code

4.1 Framing a set of overarching principles

Although this will be discussed in more detail in Section 5, in legal and policy terms there are risks and drawbacks associated with lists of rules which simply state what teachers and/or managers are **not** allowed to do. These shortcomings include:

- That the Code will not be ‘future proof’, i.e. it will be vulnerable to become easily outdated due to changes in circumstances (e.g. the development of communication technologies)
- Over prescription, which can make application of the Code and adjudication of any alleged breaches or breaches more difficult

Annex 1 (GTC Scotland’s Code of Professionalism and Conduct) is included as an example to illustrate this a model containing overarching principles, examples and commentary. Whilst the author is not advocating that the Scottish model is exactly the solution or the way forward, CoPAC may assist in further shaping the Albanian Code.

4.2 Combining sections and including managers more fully within the scope of the Code

It is suggested that some thought might be given to collapsing/combining some of sections 3 to 9. As any Code must be accessible to all (including parents and students), collapsing some of the

sections would make it easier to follow and bring about a greater consistency of understanding and application to the whole.

This could be done either fully or partially, however the former would assume that both manager and teacher could be combined together into one class of individual. Section 5 is currently the only section, which applies to Managers, a fuller collapse of sections could also open the opportunity of applying standards to managers within the same set of overarching, high-level principles discussed immediately above.

4.3 Conduct Versus Competence

The Code as presented includes a number of issues, which might be considered to be more related to competence rather than conduct and therefore out of place within a **Conduct** Code. For example:

Section (3) Rule 37 and 38

Section (4) Rule 11

Section (5) Rule 23

Section (6) Rule 38

Conduct (or its antonym misconduct) tends to be related to behaviour as opposed to a person's ability to discharge certain tasks, for example, **ability** to manage classes or **ability** to assess students' progress etc. Competence is more closely linked therefore to professional qualities and capabilities that might best sit within a separate competence/Standards framework within which a teacher can be helped and supported. The same would apply to managers by way of a Standard for Leadership that would embrace many of the key management aspirations and competencies.

By way of example the GTC Scotland has such a framework and is governed by base-line competence standards - the "Standard for Full Registration" (SFR). This is included in Annex 2 of this report.

4.4 Application Of Code - Scope, Status And Purpose

Whilst recognising that the Aim and Scope of Action already goes some way in this regard, it is suggested that there is greater clarity. For example:

- Is it statutory?
- Is it advisory?
- Which (or do all) sections apply to managers?
- Which sections apply to support staff?
- How is it to be applied?
- Are all the existing rules of equal importance?
- Proportionality – is every breach always going to result in action or are individual circumstances of any importance?
- How is a series of very minor breaches looked upon within the Code?

4.5 Use Of language

A commentary may assist in this regard, however the use of language throughout the Code is worthy of consideration. As currently presented the language is quite negative and a more positive may be more constructive and helpful in ensuring that teachers embrace the Code. When it comes to applying any Code, the following list contains words which should be used with great care:

- Should, must, expected, will, may, would

4.6 Inclusion Of A Commentary Section

It is recommended to include a commentary to assist (in the words of the Code) to “help teachers attain these standards”. A Web-based commentary can also be produced to give support to teachers. Annex 3 illustrates the way in which GTC Scotland has supplemented its Code; this example is in regard to the dangers of Social Networking.

5 CONTENT

Sections 3 to 9 contain lists of conduct which is prohibited with section (3) and (5) running to a list of 38 and 23 respectively. Therefore the Code is somewhat daunting for the following reasons:

- The number of Rules contained in each section;
- The complexity and level detail of some of the Rules themselves;
- The use of language that is generally negative in a Code that, is quite rightly intended to assist teachers attain and maintain standards of conduct

“Professional” or “Professionalism” in the title of the Code may also be an idea worth consideration.

5.1 “Fitness To Teach”

The consultant recommends/suggests that the Code includes a statement on ‘Fitness to Teach’ which would provide a high-level benchmark against which the fitness of a teacher can be judged in the broader sense, rather than judging conduct matters in purely and in isolation against a specific Rule or Rules in a Code. The notion of Fitness to Practice would serve to guide the focus of the TCC in considering the breach or breaches in question and the circumstances present, against that individual’s fitness to be a teacher in the following areas. It would also provide a high-level yardstick or principle very much in keeping with the aim of the Code “to help teachers attain these standards” and refer to tenets such as:

- Risk to children/pupils
- Expectations of the public
- Expectations of the professional peers
- Expectations of honesty and integrity

5.2 Other recommendations

5.2.1 Section (1): Aim

It is suggested that the second line should read: “ to help teachers attain *and maintain* these standards

5.2.2 Section (3): Teacher-pupil relationship

Notwithstanding the discussion and recommendations above regarding structure and format, the following factors might also be reflected in the final version of the Code:

- Rule 19 - this should be extended to include “children” and not just be confined to “pupils”. Indecent images of children may already be addressed under the Albanian Penal Code, however that makes a strong Section (8) Rule 6 regarding criminal behaviour by teachers all the more important.
- Rule 22 - this Code is about the individual teacher/manager, therefore, should this fall within the responsibility of the manager or perhaps employer as opposed to the individual? Might this not be impossible to avoid in small rural schools?
- Rule 24 is unclear, perhaps it should read (teachers are not allowed to) “Take disciplinary measures *other than* in accordance with rules in force”
- Rules 37 and 38 are addressed above under Structure and Format

5.2.3 Section (4): Teacher-manager relationship

Notwithstanding the discussion and recommendations above regarding structure and format, the following factors might also be reflected in the final version of the Code:

- In certain circumstances might Rule 7 be a significant breach of the private life of the individual exacerbated by the measures and sanctions detailed in Part II (8) of the Code?
- Rule 11 is addressed above under Structure and Format

5.2.4 Section (5): Manager-teacher relationship

- Many of the Rules in the Code (eg, 19, 20, 21, 22 and 23) may fall within the scope of a standard for leadership as opposed to a Code of Conduct (see page 9), and therefore answerable as misconduct. This is addressed above under Structure and Format

5.25 Section (6): Teacher-parent relationship

Notwithstanding the discussion and recommendations above regarding structure and format, the following factors might also be reflected in the final version of the Code:

- The issue of discrimination, equality and diversity has been omitted from this section as has political or religious activity concerning parents (eg section 3, Rule 10)
- Promoting good relationships between home and school may be a useful addition.

5.2.6 Section (7): Teacher-teacher relationship

Notwithstanding the discussion and recommendations above regarding structure and format, the following factors might also be reflected in the final version of the Code:

- Much of this is duplicated elsewhere and could be quite effectively combined in the way suggested with Section (3)

5.2.7 Section (8): Rules of Conduct outside the premises of the education establishment

Notwithstanding the discussion and recommendations above regarding structure and format, the following factors might also be reflected in the final version of the Code:

- This section needs a careful approach in that the teacher's right to a private life must be balanced with he/she being a role model to pupils and within the community;
- Rule 1 – the use of the word “exemplary” sets the bar very high at “perfect” and “excellent”;

- Rule 2 – the inclusion of friends and family life as opposed to just pupils and parents would seem to widen the scope of the Code significantly; Notwithstanding the fact the Albania is not subject to the European Convention on Human Rights (ECHR), Article 8 of the ECHR may serve as a useful reference point
- Again much of these rules might be combined into Section (3) there should be express mention about criminal behaviour, trends of criminal behaviour in general and in particular crimes involving or against children (including internet crime), crimes of dishonesty (other than just theft)
- Rule 4 is somewhat wide in scope and lacks specification and in fairness pre-supposes that a teacher will know this information simply and only as a matter of course

5.2.8 Section (9): Dress Code

Notwithstanding the discussion and recommendations above regarding structure and format, the following factors might also be reflected in the final version of the Code:

This is a little prescriptive and subjective and perhaps the same effect could be achieved by one statement for example:

“Whilst performing their professional duties, teachers should avoid extreme styles of dress and are expected to dress and present themselves in an appropriate and professional fashion, mindful that at all times they are role models for children and young people”

6 APPLICATION AND ENFORCEMENT

Writing a professional Code is a difficult and complex task, however in so doing, at every stage thought must be given to how individual parts of and the Code as a whole can and are to be applied and enforced. In the UK, Human Rights legislation means that the right to teach is classified as a human right. Accordingly any enforcement, which restricts or removes the right to teach, must comply with

ECHR. Notwithstanding the differences between Albania and the UK, the Code and how it was applied would doubtless feature in any challenge a teacher may have against a future ruling of the TCC.

In this light, lists of Rules as per the current draft of the Code present inherent risks and dangers such as:

- Future proofing (especially as the Internet and in particular Social Networking such as Facebook develop – reference Annex 3);
- In being too prescriptive resulting in something being omitted or forgotten;
- Listing, by being too prescriptive, can inadvertently rule other conduct out. For example, Section (3) Rule 19 only refers to “pupils”. That would therefore exclude the wider application of the Code to “children” and not just pupils.

The GTCS experience of CoPAC since August 2008 has demonstrated that the broader principles approach, (as opposed to the Listing approach) in fact widens the scope rather than restricts the scope of the Code. This is also complemented by the existence of the Fitness concept within the GTCS’s founding legislation.

**THE DRAFT TEACHERS' CODE OF CONDUCT:
SUMMARY OF DISCUSSIONS AND RECOMMENDATIONS
FOR NEXT STEPS**

*Prepared by John Anderson, Council of Europe Expert
September 2010*

ECD/34/2010

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1 EXECUTIVE SUMMARY

This ‘next steps’ Technical Report is in connection with the Albanian Teachers’ Code of Conduct and its Regulatory Mechanism (“the Code”) of July 2008 and it should be read in conjunction with the author’s previous Technical Report dated 13 September 2010 (“original report”).

There was much agreement between stakeholders and support for the vast majority of suggestions in the original report. The fundamental point that the Scottish model should be **adapted** as opposed to **adopted** and the two tables contained in Part B is of high importance. The need for compliance with the European Convention on Human Rights (ECHR) especially in regard to a teacher’s right to a private life is another key factor to be reflected in the re-draft from now forward.

In keeping with the ECHR theme, given the fact that any graduate can teach in Albania as a matter of right or ‘possession’, thought further down the road needs to be given teachers’ legal position in terms of Protocol 1 article 1. Some may argue, that in ECHR terms there is already a teaching profession in Albania with teachers enjoying the protection afforded by the ECHR.

2 NEXT STEPS BASED ON FINDINGS OF VISIT 19 – 21 SEPT 2010

The series of meetings as discussions was extremely helpful and informative and from right across there were a number of areas of clear agreement, many of which were raised in the original report.

Areas of agreement between the various stakeholders/parties	Advised next steps in re-drafting the Code of Conduct
Glossary to be included.	Consider reflecting in the IDE redraft
Scottish model should be adapted and not adopted to meet the needs of Albania. In particular there needs to be provision to address private tutoring and gifts to teachers.	Consider reflecting in the IDE redraft
Some thought should be given to what are standards of competence (covered in the basic standards document) versus standard of conduct.	Consider reflecting in the IDE redraft
Code is not only about addressing petty corruption (as indicated in current introduction to the Draft), and should also contain reference to wider areas of teacher conduct and expectations.	Consider reflecting in the IDE redraft
Examine to what extent the re-drafted Code could have a more generic approach to ‘the teacher’ as opposed to so clearly differentiating between manager and teacher.	Consider reflecting in the IDE redraft
Consideration of the Code’s format and structure so it is more widely accessible and shorter.	Consider reflecting in the IDE redraft
The language of the Code should be more supportive and positive. Language must also allow for the exercise of discretion by those who will have to make judgments (e.g. of a disciplinary nature) based on the Code. Within the jurisprudence of the ECHR, this also allows for proportionality.	Consider reflecting in the IDE redraft
Repetition and duplication should be avoided between sections of the Code.	Consider reflecting in the IDE redraft
When including provisions in the Code these should always be tested against enforceability and practicality. (eg a teacher teaching his/her own child) Future-proofing (ensuring the Code is not so detailed/prescriptive that it risks becoming outdated) is also an important consideration. Prescriptive lists also limit the important element of discretion in terms of enforcement of the Code	Consider reflecting in the IDE redraft

<p>ECHR Article 8 (teacher's right to a private life) must be kept to the fore when considering the content of the re-draft.</p>	<p>Consider reflecting in the IDE redraft with legal input and advice</p>
<p>Associated with (10) above consideration must be given to the existing status of teachers in Albania with reference to the ECHR. As any graduate can teach by virtue of having a university degree this would seem in legal terms to grant a right to teach. This is still the case even though there is currently no Albanian 'Order' or Register of teachers. That would bring an Albanian teacher's right to teacher within the definition of 'property' (ECHR Article 1 of Protocol 1). In turn this would have an impact upon the way in which a teachers code could/would be applied/enforced and how a teacher would be restricted or indeed banned from exercising their right to teach.</p>	<p>IDE should take legal advice on this matter and reflect this in the wording and status of the redrafted Code.</p>
<p>A clear focus in regard to the jurisdiction of the code, i.e. it is about Teacher conduct, not a code to govern the behaviour of everybody involved in the educational process. For example it was suggested during some of the stakeholder meetings in Tirana that the Code should be capable of acting as a mechanism for teachers to take action against a violent parent</p>	<p>The redraft must make the teacher/teacher manager the subject of and at the centre of the Code and its jurisdiction. To make it a 'catch all' Code and in some way include standards of behaviour for others, e.g. parents and employers would be totally confusing and raise questions of enforceability.</p>
<p>It may be useful to provide as an annex to the Code how a complaint against a teacher might be made. However this should not detract from the positive thrust of the Code or turn the Code into a complaints process itself.</p>	<p>Consider reflecting in the IDE redraft</p>
<p>Views of parents and other stakeholders during re-drafting are important as this will add to the feeling of ownership and credibility of the final document.</p>	<p>IDE to consult with relevant stakeholders to the extent that it is deemed practical and reasonable during re-drafting process.</p>

<p>The Code of 2008 needs to be more explicit as to how it interfaces with the penal code, especially in regard to child related offences. It is accepted that any criminal behaviour by a teacher is not to be condoned. However there is a large number of minor offences, which in themselves would not be relevant to fitness to teach and not call in question the individual's suitability. However the notion of 'relevant offence' should be considered within the Code to address the individual situation and circumstances of the offending. For example a teacher convicted of drunk driving at the weekend should be considered differently to the same teacher convicted of the same offence whilst driving pupils to a sports event. In addition several convictions of drunken driving at the weekend may become relevant as it represents a trend of criminal behaviour, which could call fitness into question.</p>	<p>IDE should seek legal assistance in this regard.</p>
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The following areas are where there was not the same level of consensus.

Area lacking consensus	Advised next steps in re-drafting the 2008 Code
<p>Opposition to or lack of clarity about an Albanian 'Order of teachers', without which a Code would have no use or meaning</p>	<p>Frame the Code in such a way that it can operate as an advisory document to enhance good practice and support teachers and protect children. Should a TTC or 'Order of Teachers' come about, the status of the existing could be defined within that new context.</p>
<p>Any concept of teacher professionalism or code of ethics should be negotiated as part of the MoE collective agreement with the Unions</p>	<p>This is a matter for on which the author does not have a clear view, as it is not clear to what extent the Unions represent the teacher community as a whole</p>

COMMENTS AND RECOMMENDATIONS ON THE DRAFT
TEACHERS' CODE OF ETHICS - APRIL 2012

*Prepared by John Anderson, Council of Europe Expert
June 2012*

ECU-PACA-6/2012

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EXECUTIVE SUMMARY

This Technical Paper recognises that the latest draft of the Albanian Teachers' Code of Ethics represents a great improvement and has taken into account many of the previous recommendations made.

However this paper suggests that further consideration is given to:

- Shortening the Code further and in some areas, thereby reducing overlap and repetition. This is important if it is still the intention that the Code be used as the basis for further and more detailed guidance produced at school level (Annex 1 page 7)
- Introducing greater scope for teachers to use their own professional judgment, guided by principles set out in the Code
- Further emphasising the needs of the individual student to ensure that each reaches his or her full potential
- Providing greater emphasis on the protection of children and teacher/pupil professional boundaries
- Linking the Code to the UN Convention on the Rights of the Child
- Expressly including in the Code the matter of any criminal behaviour (both in and outside the professional context) which would be incompatible with being a teacher or working with children

1 INTRODUCTION AND BACKGROUND

1.1 Context for the Technical Paper

This Technical Paper should be read in conjunction with:

- Technical Paper ECD/34/2010: *Draft Teachers' Code of Conduct: Summary of discussions and recommendations for next steps*
- Technical paper of 13 September 2010 – ECD/33/2010

- Draft Teachers’ Code of Conduct and Regulatory Mechanism of July 2008

The paper is written in the light of the author’s visit to Tirana in September 2010, which afforded him considerable insight into many of the facets of the Albanian Educational system and attitudes towards the concept of teaching as a profession.

1.2 As has been the position from the outset, the author continues to be mindful of the following key tenets:

- PACA’s core purpose in regard to ‘petty corruption’
- the need to develop an ethical framework which allows the individual teacher a degree of professional judgment in dealing with everyday situations
- the important role teachers play in the protection of children
- the level of honesty and integrity which the public have every right to expect of teachers and their conduct, both in and outside the professional context

2 COMMENTS ON THE REVISED CODE OF APRIL 2012

2.1 In general terms, Annex 1 is an improvement on the previous version. It is more succinct and is couched in language which is much less negative than the 2008 draft. For example, 5 of the 9 sections in the 2008 Code were headed “a teacher is not allowed to”, which was followed by a long list of misdemeanours, with part 3 running to some 38 examples. The absence of the constant use of “Rule” gives a much more professional and positive ‘feel’ to the latest draft.

2.2 The Purpose and Scope of Action set the context of the Code very well. However care should be taken in regard to setting reasonable expectations. For example, some may

say that the use of such words as “highest” and “greatest commitment possible” does set a standard which may not be universally attainable, realistic or reasonable.

- 2.3 The clear commitment to students and the profession is welcome as is the personal responsibility outlined at the bottom of page 2.
- 2.4 Page 3 is a substantial improvement on the 2008 version in as it sets out very clearly to whom the Code applies, thus dispensing with the need to narrate the various relationship permutations set out in parts 3 – 8 of the 2008 Code. However, for the sake of clarity, it is suggested the term ‘teacher’ should be given a wider, more generic definition in the code (see below at 4.2)
- 2.5 Although it is accepted that a certain amount of clarity may have been lost in translation, the final paragraph of page 3 (“the Code of Ethics ...”) does not ‘hold together’ well and this has been addressed in the tracked version in Annex 2.
- 2.6 In regard to page 4 (Part one [1] – Commitment to Students and Learning), this tends to move back into the long lists used in the 2008 version. There is a high degree of overlap, for example, bullet points 1 – 6 are very similar and could be better expressed in one or two high level overarching principles; bullet points 4 and 6 say virtually the same thing.
- 2.7 Save for bullet point 11 (no violence to children) there is no reference to child protection and the professional boundaries which are vital within the pupil/teacher relationship. Indeed the Code is quite sparse in the use of the term ‘child’ or ‘children’ throughout.
- 2.8 With reference to 2.3 and 2.6 (above), the revised Code omits some key references to honesty and integrity both in and outside the professional context. The matter of criminal

behaviour incompatible with being a teacher and/or being in a position of trust in relation to children is sadly lacking and should be included.

- 2.9 Part 1 [2] (page 5) tends to move again towards a list of overlapping ideas. For example bullet points 1 – 5 could be encapsulated in one or two overarching principles aimed to create and maintain a learning environment which enables all students to reach their full potential.
- 2.10 Part 2 [1] is too detailed and could be made much simpler and clearer. This could be achieved by dividing this into 2 categories (1) professional delivery of the curriculum based on the individual needs of each student and (2) the requirement that a teacher must be reflective and keep his/her own skills up to date.
- 2.11 Part 2 [2] effectively addresses the need to work in a collegiate way. It is supportive of the school as a sharing, learning community which recognises the strengths of working as a team and supporting each other as colleagues.
- 2.12 Part 2 [3] is strong and recognises the importance of mutual respect, the school's place in the community, and the importance of the home/school relationship within the context of diversity.

3 COMMENTARY TO SUGGESTED CHANGES TO THE REVISED CODE

This section provides comments on suggested changes to the new revised Code. The paragraphs in brackets refer to the issues raised in section 3 (above).

- 3.1 (3.2) – words such as “appropriate” and “due commitment” are suggested as alternatives as well as the inclusion of “standard”.

- 3.2 (3.4) – there is provided a form of wording which defines the term ‘teacher’ as including all the relevant staff as listed under the Purpose and scope of the Code of Ethics. This is intended to bring about clarity and consistency throughout the document.
- 3.3 (3.5) – the suggestions provided aim to clarify some issues and engender an element of professional judgment for the individual teacher.
- 3.4 (3.6 – 3.8) – this makes the section much more succinct and now includes or emphasises key elements such as:
- motivation of students to reach their full potential
 - meeting the needs of individual students
 - fair and accurate recording of assessments
 - equality of treatment
 - strengthening the rights of the child within the Code through inclusion of the UN Convention on the Rights of the Child
 - honesty, integrity, anti-corruption, child protection and avoidance of criminal behaviour outside school, especially involving children
- 3.5 (3.9 – 3.12) – the minor suggestions made are intended to strengthen the language in regard to working with and supporting others, the quality of teaching and learning and the home/school relationship.

4 OBSERVATIONS ON THE REVISED CODE IN THE LIGHT OF PREVIOUS PACA RECOMMENDATIONS

- 4.1 The revised Code (Annex 1) has taken into account many of the suggestions made in PACA’s September 2010 opinion (Technical Paper) on an earlier draft of the Code of Conduct. In particular, the new draft

- is much shorter and is more positive in linguistic terms
- is clearer and more accessible
- has a better structure and much less detailed to the point of over-prescription
- more clearly defines purpose and scope
- discards the numerous permutations of professional relationships and the reference to dress code
- makes an greater attempt at creating a set of high level principles as opposed to a set of long prescriptive lists
- in general more pupil and learning focused

These changes are endorsed by the expert, and it is recommended to incorporate the suggested changes provided in Annex 2 to further enhance the revised Code.

THE TEACHERS' CODE OF ETHICS

Tirana, July 2012

1 INTRODUCTION

The educational environment cannot be a supportive and motivating factor in learning unless its foundation is built on the values and principles which this environment aims and seeks to instil.

These values and principles are clearly stated in the Constitution of Albania, the legislation on education, and the basic documents in which the educational policies have been formulated, such as: the curriculum framework, the pre-university education strategy and all other curricular documents. These values and principles should underpin the functioning of the educational process, and the entire environment that enables this process.

Justice, impartiality, non-discrimination, equal treatment, dignity etc. constitute the fundamental values on which a democratic society should be established, and the foundation of the school mission. The principles governing the education process are based on these universal values and provide a guarantee for the way in which this education should develop.

The Teachers' Code of Ethics is designed to assist teachers in the efforts undertaken in the context of the school mission, allowing them to create a motivating environment for students, and take appropriate decisions in cases of ethical dilemmas they face with during the exercise of their profession.

The Teachers' Code of Ethics lays down a pattern of conduct that the society considers and requires as necessary, so that the school can achieve its social mission for the establishment of a democratic society.

Basic Principles

The basic principles on which the Teachers' draft-Code of Ethics is drawn up, and which emanate from the above-mentioned fundamental values, are the following:

1. The principle of **commitment to students**, on the basis of which the conduct is determined that is expected of teachers in their relations to students and learning.
2. The principle of **commitment to the profession**, on the basis of which the conduct is determined that is expected of teachers in their relations to the perfection of their personal qualities in the service of learning and **educational environment** that supports it in all directions.

An individual who undertakes the honourable teacher mission also takes upon oneself the responsibility to make every effort in order to accomplish this with due commitment.. He/She undertakes to be the embodiment of the highest ethical standards required by the teaching profession, and the standard of conduct stemming there from.

Purpose

The Code of Ethics aims to:

- to assist teachers and other education employees to know, understand and embrace the ethical standards necessary for a quality achievement of the education mission, and in the decisions they should make in the context of the achievement of this mission;
- to assist teachers and other education staff in creating a motivating learning environment;
- to inform the general public about the standards of conduct that society and school mission require from teachers and education staff;

- to assist decision-making bodies in supporting policies and activities that create motivating learning environments;
- To unify ethical standards which are designed to support the adoption of the same educational service on a national level.

2 THE SCOPE OF THE CODE OF ETHICS

The Code of Ethics is applicable to all cases in addressing ethical dilemmas faced by teachers and education staff. As such, it is applicable to:

A teacher who is practicing his/her profession full-or part-time in public or private pre-university education system institutions in accordance with Albanian legislation. The management and support staff of public or private pre-university education system institutions.

Employees of the Ministry of Education and Science and its subordinate institutions, in the context of fulfilling their mission in the field of education. For the purposes of this Code of Ethics, the term 'teacher' refers to any individual falling within categories 1 – 3 above.

The fundamental principles of the Teachers' Code of Ethics are rendered specific in a set of principles related to the diversity of relationships created in the field of education in the context of achieving, to the best extent possible, its basic mission, which is the education of students.

The Code of Ethics does not undertake to address every possible circumstance that a teacher may face in educational settings. It aims to provide teachers with an ethical basis that can be applied to the circumstances in which teachers may find themselves.

3 GUIDELINES FOR THE IMPLEMENTATION OF THE CODE OF ETHICS

Explanatory Introduction

Ethics has to do with the philosophy that studies human motives based on the principles of the right and wrong. Codes of Ethics are based on principles and values which are harmonized, and constitute the ethical structure that could influence our behaviour, the decisions we make, and our way of living. Codes of Ethics state the general (moral or social) principles that direct rather than dictate conduct.

A Code of Ethics is an effort made by an organization or institution, educational institutions in our case, designed to codify its common values.

The Teachers' Code of Ethics in our country sets out the basic principles associated with the mission of education, that show education employees what is right and what is wrong in the achievement of the teacher mission, and serve as guidelines in all the decisions made in the context of their activity. In this way, the Code of Ethics aims to promote the highest ethical standards throughout the education system, and make the values and expectations of this system known to all its employees.

All educational institutions have the following duties:

- To inform well and train all teaching staff in the principles and purpose of the Code of Ethics.
- to promote the commitment and dedication of all education employees (teachers, principals, students, etc..) to this Code;
- to translate the Code of Ethics into guidelines of what should and should not be done in the particular conditions of their education environment;
- to provide specific examples of practical applications of the Code of Ethics.

The Ethics and Conduct Commission to be established in every school shall have a duty to consider and examine the complaints lodged by students, parents and institution employees on conduct which is judged inconsistent with the principles of this Code and conduct emanating there from, and invite employee for clarification and counselling.

This Commission proposes to the institution principal further review and action in cases where such conduct is considered as violating the law or legal provisions.

All measures imposed on teachers are only taken in accordance with the applicable legislation and relevant institutions.

PART ONE

COMMITMENT TO THE STUDENTS AND THE AIMS OF THE LEARNING PROCESS.

The school and the teaching profession require that a teacher in his/her professional decision-making give priority to the safety and welfare of students and the quality of learning.

Application of conduct that emanates from the following principles creates the model of a teacher who evaluates students' best interest and learning as paramount.

1 The teacher is equally committed to all students and constantly fosters every student's civic, social, emotional, physical and intellectual potential.

1.1 The teacher trusts in the possibilities for success of every student and creates good learning conditions for all students.

1.2 The teacher inspires and motivates all students to realise their full potential with due regard to intellectual, physical, emotional, social and civic aspects.

- 1.3 The teacher knows, understands and duly applies the principles of assessment and is fair, honest, unbiased and non-discriminatory in his/her professional practice.
- 1.4 The teacher assesses students on the basis of the principles of assessment, and records and reports periodically to the involved actors (students, parents, school etc) about the achievements and the progress made by them.
- 1.5 The teacher aims to offer his/her professional best for his/her students, welcomes their contribution and contributes himself to delivering the best outcomes for them.
- 1.6 The teacher helps students assess their identity, learn more about their cultural heritage, and exercise their civic and social responsibilities.
- 1.7 The teacher treats all students equally and with respect, in accordance with the law their personal dignity and their inner values.
- 1.8 The teacher fights dishonest, corruptive and illegal practices that run counter this code of ethics and is committed to high ethical standards in his/her relationship with students.
- 1.9 The teacher is a model of conduct and peaceful resolution of conflicts in his/her relationship with students and all others.
- 1.10 The teacher knows every possible form of violence (physical, psychological ect) towards students, both within and outside the professional setting, and avoids and fights against it together with the students.
- 1.11 The teacher is aware, understands and applies the general principles of the UN Convention on the Rights of the Child, specifically the principle of the primary interest of the child and that of his/her right to equal treatment.

- 1.12 The teacher treats with respect and confidentiality every personal and sensible student's information , and does not divulge it unless it is so required by law
- 1.13 The teacher is aware of his professional boundaries in relationship to the students, and respects them within and outside the educational settings

PART TWO
COMMITMENT TO THE PROFESSION AND
TO A SUPPORTIVE AND COLLEGIATE
LEARNING ENVIRONMENT

2.1 The teacher is committed to his personal learning in order to develop his professional practice.

- 2.1.1 The teacher recognizes, respects, and implements the principle of teacher-student partnership in the learning process.
- 2.1.2 The teacher is a reflective practitioner, engages systematically in his personal learning and development, and actively participates in various forms of research in the field of education in order to maintain and improve his/her professional practice.
- 2.1.3 The teacher encourages and supports his/her colleagues in attaining, maintaining, and developing high standards in education.
- 2.1.4 The teacher participates in decisions concerning the curriculum, teaching and evaluation, and shares with the principals the responsibility for running the school.
- 2.1.5 The teacher cooperates with the community for purposes of enriching the school environment and the school facilities to the service of learning.

2.1.6 The teacher respects his/her less experienced and younger colleagues, and the principle that everyone has the right to teach and learn in a motivating, supportive and professional setting.

2.1.7 The teacher participates and endorses the training of newly-qualified teachers, and the professional development of all the staff.

2.2 The teacher cooperates with the parents and the community on the basis of mutual respect

2.2.1 The teacher works in partnership with the parents and other community members to improve the quality of teaching and learning

2.2.2 The teacher recognizes that the linguistic and cultural heritage, gender, family and community shape experience and learning.

2.2.3 The teacher respects the privacy of private information that they have about individual students and their families, and uses this information only in the students' best interest and with their consent.

Implementation

Conduct that runs contrary to the above-mentioned principles of conduct is judged only in light of the legislation that governs labour relations in general, and that related to education, such as the Labour Code, Law on Pre-university Education, Normative Education-related Provisions, and Collective Contract of Education Employees. No other authority may replace the above legal authorities.

FINAL ANALYSIS

MAKING RECOMMENDATIONS ACROSS DIFFERENT EDUCATION SYSTEMS

This final section considers the extent to which approaches based on certain well-functioning education systems (such as the Scottish system) need to be sensitive to cultural and institutional differences when being used as models to inform technical assistance to other countries, and in particular ‘transitional’ countries such as Albania. It then considers in particular whether particular examples of good practice - the Scottish Teachers’ Code of Conduct, and/or the draft Code of Ethics of Albanian Teachers assisted by PACA - may serve as a model for future work on a possible European Teachers’ Code of Conduct.

Based on the work conducted by the PACA project in Albania, two basic issues should be underlined.

It seems indisputable that in general terms certain practices in education are good, or even best practices. These include for example fair and objective evaluation of educational outputs (such as examinations), the need for teachers to possess the necessary knowledge and skills to teach, or the need for teachers to act as an example to pupils/students. How such practices are to be achieved may vary by country, but the objectives are the same.

- In reality, transition countries in reform do adopt practices of one kind or another from existing practices in other countries – some of which may be good and some not so good. Examples of these includes reforms to align countries in Europe with the Bologna process – which may be seen as compulsory if a country wishes to ensure that its younger generation are able to study in other countries. Another example, specifically from Albania, is the decision to allow private education to expand freely, based on an assumption that it is appropriate to let market principles rule in this area. In this sense, the relevant question is not whether countries such as Albania should adopt practices from elsewhere, but rather *which* practices should be adopted.

In the case of Albania, a key question running through reform efforts has been the extent to which good conduct within the education system should be ‘stipulated and enforced’ on the one hand (for example by legal prohibitions subject to sanctions), and on the other hand to what extent should such conduct be underpinned by a positive framework of education, training, selection of teachers on merit alone, and a set of principles of conduct inculcated into teachers as a component of their professional identity – rather than as a set of rules to be obeyed. The lessons of countries with advanced education systems is that both of these elements are necessary.

However, and particularly in the education sector, there are a number of reasons for believing that good conduct can ultimately only be sustained through voluntary adherence to embedded principles of conduct. Efforts to enforce good conduct are inherently unstable and based on inconsistent assumptions. They implicitly assume that all those subject to rules will disobey those rules unless the threat of detection and sanction is sufficient, but at the same time assume that ‘those enforcing’ possess integrity that makes it unnecessary to subject them to the same supervision.

Further, the lessons of the assistance provided in Albania suggest that, far from international good practices being of doubtful use due to local factors, on the contrary it is the problematic nature of some local practices that renders international good practices as useful models to be adopted. In the case of Albania, the following issues in particular were identified by PACA as needing to be confronted:

- High-quality education in Albania can not be established without a sufficiently wide commitment to ethical standards of conduct in public and professional life.
- Attempts to address problems in the education system have continued to be based on the top-down elaboration of over-complex legal and sub-legal acts designed to enforce good conduct, and on continuing excessive centralised governmental interference in the processes for assuring and enhancing quality in education. In the context of a limited commitment to the

above principles, such an approach is likely to achieve limited success.

- At the same time, excessive reliance on an unregulated market has been shown in the development of private education, with insufficient attention paid to the need to ensure robust quality review. Particularly in the higher education sector, this appears to have posed a serious threat to the overall integrity and quality of the education system.

Fundamental positive ethical principles, not top-down mechanistic regulatory measures, and the importance of these for transition societies like Albania

In seeking to create high quality education systems which are free from corruption in countries like Albania, it is important to stress the limitations of attempting to rely upon top-down mechanistic regulatory measures, which are usually prohibitive, disciplinary and punitive. In such attempts, the principles of ethical and professional behaviour are merely reduced to one set of norms within a wider set of norms, e.g. including norms such as financial norms on matters like procurement and distribution of educational equipment and materials. Such approaches give more emphasis to the enforcement mechanisms for ‘professional norms’ than to underlying positive ethical principles. In contrast, all relevant sectors of society must commit fully to fundamental positive ethical principles for public and professional life. For example, there must be public recognition of the principle that giving, as well as receiving, ‘bribes’ is corrupt and unjustified and there must be a universal commitment to the ethical principle of eliminating such corruption from public life.

Recent surveys of corruption in Albania illustrate the issues here. As already discussed in earlier PACA work, in the 2010 publication ‘Corruption in Albania: Perception and Experience – Survey’ conducted by the Institute for Development Research and Alternatives (IDRA) for the United States Agency for International Development (USAID), those surveyed were asked to respond to the situation where ‘a student gives a shirt to a teacher in the hope of

receiving a better grade'. While 72.9% responded that the teacher accepting the shirt was 'corrupt and must be punished', only 32.2% took this view of the student, with 48% indicating the student was 'corrupt but justified' and 19.8% indicating the student was 'not corrupt'. Of course, there are also issues with the facts that 19.8% viewed the teacher as 'corrupt but justified' and 7.2% as 'not corrupt'. Although there may be reasons for showing more tolerance to those giving bribes if they perceive no other option for ensuring fair grades, these figures also suggest a failure to recognise that not only taking bribes but also giving them is corrupt.

The experts recognise the cultural and historical reasons which may explain such attitudes. For example, they understand that the desire to rely on personal exchange of favours in a society like Albania may be because of the historical absence of a secure connection between the individual and the wider public polity, whether under the earlier Ottoman period or the more recent Communist period. This may have led to a reliance on informal personal networking, re-inforced by the networking of families and extended families. However, while the historical explanations for such approaches in transition societies may be understandable, the barriers which these approaches present to the adoption of fundamental positive ethical principles of public life must be overcome.

Moving transition societies like Albania forward from simply addressing problems in their education systems by the continuing bureaucratic elaboration of over-complex law and sub-legal acts

It is important that transition societies such as Albania avoid being trapped in a 'dependency culture' in which stakeholders look passively to the 'law' to provide solutions to all issues. The historical context for this approach is understandable, where transition societies like Albania have a history of strong centralised state control, and a parallel lack of robust democratic traditions. However, if stakeholders wait for solutions to come from above, they tend neither to take the initiative in constructing policy frameworks, nor to look for devolved personal responsibility in the implementation of policy.

For example, in Albania the experts found a protracted period when a range of stakeholders were waiting for the final confirmation of a Pre-university education law which was seen as an all-encompassing solution on a range of issues, including all aspects of teacher recruitment, appointment and promotion, as well as school governance, and national assessment and curriculum developments. While a significant Pre-university education law with many positive features was finally confirmed, the experts' judgement remains that this law has not provided full solutions to all relevant issues. The reliance on waiting for this centralised law has probably constrained the opportunities for all stakeholders to push for the fullest debate on, and solutions for, key issues.

This is connected to the problem of over-complex law, especially where major laws are linked to the associated production of very detailed sub-legal acts by central government. In mature democracies, central government's educational legislation can be characterised as enabling, i.e. setting a framework for the activities of government departments, local authorities, and other public bodies which are autonomous in terms of governance (e.g. national bodies for school assessment and qualifications, national agencies for HE quality assurance). Following such enabling legislation, these bodies themselves then develop detailed procedures, which are embodied in their own documentation. However, in transition societies like Albania, central government may produce a series of sub-legal acts which themselves try to specify the operational details which mature democracies expect other public bodies to take forward themselves.

For example, the experts found evidence of this with the proposed revisions of the law on the 'inspection' of HEIs in Albania, where central government appears intent on prescribing the detailed operation of any HE 'inspection' body through a combination of law and sub-legal acts, in contrast to the experts' recommendations that a national HE quality agency should be given genuine independence from central government to detail its own approaches and procedures in its own documentation.

Such governmental approaches become part of the protracted and opaque nature of the continuing elaboration of laws and sub-legal acts. In such a context for policy-making, legislation appears to go through draft after draft with a pervasive lack of clarity to external observers on the status or content of such drafts at any particular time. Often, central government officials themselves appear unclear on the current status of drafts, and wider stakeholders certainly seem unclear. This process of elaborating laws and sub-legal acts privileges existing power holders over wider stakeholders. Officials talk to Ministers, who talk to officials. Officials talk to other officials. Outside these self-referring circles, there is insufficient involvement of wider stakeholders, such as educational professionals, parents, students and the general public. The experts judged these features to apply when considering the Albanian education system, e.g. with the development of pre-university law and law relating to HE quality assurance.

Moving societies transition societies like Albania away from excessive centralised governmental interference in the processes for assuring and enhancing quality in education

Transition societies such as Albania generally display excessive centralised governmental interference (both national and local government) in aspects of the education system, especially the public pre-university school system. There can be a particularly close connection between national and local government influence, where a change of the party in power in central government is associated with a general replacement of officials not only in central government, but also in local/regional directorates operating as key branches of local administration. For example, the experts judged that such excessive governmental influence took place on the recruitment, appointment and promotion of public school staff in Albania. Despite reform proposals under various versions of the proposed revised law on pre-university education, the experts found a reluctance to move unambiguously away from retaining a significant role for the local/regional education directorates in decision-making on the appointment of school teachers and school

principals, as opposed to full devolution of decision-making to school boards (and also to principals in the case of teacher appointments).

It is especially important to guard against excessive centralised governmental interference when a country like Albania considers a national system for the quality review of higher education institutions (HEIs). It is essential this meets the European best practice approaches of the European Association for Quality Assurance in Higher Education (ENQA), e.g. on the independence of national HE quality assurance agencies from central government. For Albania, the experts have given particular focus to making recommendations on a future system for the review of HEIs, especially private HEIs, for quality assurance and enhancement. They have recommended a system based on ENQA principles, and specifically involving a national HE quality agency genuinely independent of central government. Such an agency would be governed by its own independent board, and would be primarily engaged in a wider positive agenda for on-going quality enhancement of HE provision. A largely indirect result of this would be the assurance of appropriate standards of conduct.

In contrast, the experts have found the Albanian Government reluctant to move beyond a narrower approach and loosen central government control of any system which is developed. Rather than the review of HEIs for the wider quality enhancement agenda, the Albanian Government stresses the inspection of HEIs for a 'deficit' agenda on issues of legality/illegality in practices. The Government favours such inspection carried out by a central government inspectorate, either within a general inspectorate for public bodies, or within a single education inspectorate covering both schools and HEIs (or perhaps a combination of work by a general public inspectorate and a single education inspectorate).

Avoiding excessive commitment in transition societies like Albania to 'let the market decide' neo-liberal attitudes

A continuing tradition of over-centralisation has been accompanied by a tendency to celebrate the free market as a means of widening

educational opportunities through the expansion of the private education sector. The reasons for this are understandable – both in ideological terms (free market vs state socialism) and practical terms (the need to expand educational provision). However, excessive commitment to ‘let the market decide’ neo-liberal attitudes can be damaging to the most appropriate and positive development of important aspects of society such as the education system.

In particular, it is important to emphasise that any society, including Albania, is likely to have legislation recognising the principle of regulating private educational provision for quality. In other words, there is never a completely free market in education, even private education. The issue for a country like Albania is therefore the need to implement robustly its regulation of private educational provision for quality, both in initial licensing/accreditation and on-going review for quality assurance and enhancement. It is not simply a case of producing impressive policy documents which appear on paper to indicate that standards of European best practice are being met. Rather, such policy positions and standards must be applied in practice. For example, if national HE standards state criteria for university status which appear to meet general European standards, these must be applied in the initial accreditation and on-going review of private HEIs aspiring to university status, so that only those HEIs meeting these standards are permitted to use the title of ‘university’. In their work to date, the experts have included a specific focus on private HEIs describing themselves as universities when they do not appear to meet general European criteria for this status. Concerns have centred on the quality of student learning experiences and the validity and reliability of academic awards being made.

If not robustly addressed, such issues with poor quality private education threaten the overall integrity and quality of an education system like Albania’s. In particular, Albania faces internal and external issues if it does not address such matters. Internally, allowing private HEIs to produce ‘graduates’ whose qualifications and learning experiences do not match general European standards

will mean that entrants to key occupations and professions may actually be poorly qualified to meet the demands of the relevant roles involved. It may also add to a general public sense of corruption if individuals are effectively able to buy qualifications from private HEIs without undergoing and meeting fully demanding learning experiences and assessments, especially if such individuals come from the privileged economic elite within society. Externally, there may be major reputational damage if the standards of Albanian HE qualifications become perceived as suspect due to the existence of poor quality private HEIs – and corruption. This reputational damage may undermine the status of all Albania's graduates, not only those from poor quality private HEIs, but also those from other private HEIs and from public HEIs.

A EUROPEAN TEACHERS' CODE OF CONDUCT

Another aspect of the PACA educational involvement was the development of a Teachers' Code of Ethics. In line with the approach taken by the General Teaching Council for Scotland (GTCS) in its own Code of Professionalism and Conduct (COPAC, which can be found at: <http://www.gtcs.org.uk/CoPAC/>) the Albanian Government was urged to place professional values at the heart of its Code of Ethics and to have a positive approach, encouraging teachers to do the right thing because it was the right thing, rather than having an overly prescriptive list of behaviours which were simply prohibited.

Advice following this line was given to the Albanian Government and after several meetings with officials and much debate and discussion this approach was eventually agreed. What then followed was the development of the final iteration of the Code which states that amongst its purposes the Teachers' Code of Ethics aims to:

- assist teachers and other education employees to know, understand and embrace the ethical standards necessary for a quality achievement of the education mission, and in the decisions they should make in the context of the achievement of this mission;

- unify ethical standards which are designed to support the adoption of the same educational service on a national level.

These two agreed aims follow the paradigm of integrity and professionalism stressed throughout the PACA work on education. This positive approach has also been previously espoused in various publications on the development and use of Codes for teachers. For example, McKelvie-Sebileau in 'Patterns of development and use of codes of conduct for teachers in 24 countries' (UNESCO, IIEP 2011) stresses that such codes should aim to improve the ethics of the teaching profession and be formulated in a positive manner with relevant and precise aims which lead to concrete actions. Shirley van Nuland in 'Teacher codes: learning from experience' (UNESCO, IIEP 2009) differentiates between codes of conduct and codes of ethics but emphasises that the developers of such codes must understand the culture, local circumstances, situations and political ideologies of the country. She suggests that they should also adopt a bottom-up rather than top-down approach to the development and this too was recognised by PACA as it urged the Albanian Government not to 'adopt' the GTCS code but rather 'adapt' it to the specific circumstances of Albania.

That said, there has been international praise for the approach used by the GTCS in its Code of Professionalism and Conduct. For example, Poisson in her publication 'Guidelines for the design and effective use of teacher codes of conduct' (UNESCO, IIEP 2009) states that in both its structure and content the Code can be 'a source of inspiration or reflection' for people developing codes to meet the needs of their own countries.

In conclusion, it is recommended that the approach underlying the GTCS Code is given priority in the possible development of a European level Teachers' Code of Conduct- in particular an approach that emphasises the need for education systems to be founded on values, integrity and professionalism. At the same time, given the natural role of a European Code as an umbrella for national systems to develop their own integrity systems, the Code would be need to sufficiently general to allow its adaptation to specific country circumstances.

