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## PROJECT AGAINST CORRUPTION IN ALBANIA (PACA)

### TECHNICAL PAPER

## COMMENTS ON DRAFT COUNCIL OF MINISTERS DECISION ON THE STATE EDUCATION INSPECTORATE

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## **INTRODUCTION**

Under Activity 4.1 of the PACA Workplan for the project extension period the project has provided assistance relating to the establishment of a system for inspections of Higher Education Institutions. PACA experts have provided three technical papers between June 2012 and September 2012 with recommendations on the form of the inspection system, amendments to the Law on Higher Education Law, and on the content of inspections manuals. This Technical Paper provides comments on a draft Council of Ministers Decision on the State Education Inspectorate (The Republic of Albania Council of Ministers 2012). In reviewing this draft, the experts wish to emphasise the continuing importance of the relevant recommendations in their recent Technical Papers on 'Inspection of Higher Education Institutions' (especially PACA June 2012 and July 2012). These include recommendations that:-

- The Albanian Government should move towards a higher education (HE) quality assurance system based on reviews of higher education institutions (HEIs) for continuous enhancement of quality of provision, which will also provide assurance on the maintenance of standards. The experts prefer to describe this as a quality review system, rather than an inspection system.
- This system 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). Arrangements for quality reviews of HEIs should be seen as distinct from inspection of pre-university schools, and should not be entrusted to an enlarged National Inspectorate for Pre-University Education (NIPE).
- In reviewing HEIs, the HE quality agency should focus primarily on the wider quality enhancement agenda for the educational aspects of provision, rather than on narrower compliance issues of legality. However, in the course of its work, if the HE quality agency uncovers evidence of serious failure of an HEI to meet appropriate educational standards, it should approach the Ministry of Education and Science (MoES) immediately. If the agency uncovers evidence of specific illegality in provision, it should immediately provide this evidence to the law enforcement agencies which deal with general dishonesty of this sort.

## **1 SPECIFIC COMMENTS/RECOMMENDATIONS ON THE DRAFT COUNCIL OF MINISTERS DECISION**

Viewed from the perspective of these earlier recommendations, the experts would comment/recommend that:-

- The proposed State Education Inspectorate is clearly intended to cover both pre-university and higher education (see Section II, par. 2a,c, and par.3), and this is not consistent with the

experts' earlier recommendations on the separation of quality review of HEIs from inspection of pre-university schools.

*The experts recommend that any Council of Ministers Decision should not incorporate HE within a single State Education Inspectorate along with pre-university education. 'Inspection' of HEIs should be undertaken by a separate national HE quality agency.*

- In referring to the proposed State Education Inspectorate, the draft Decision uses the language of inspection rather than quality review for enhancement and assurance, both in the organisation's overall title and in specific description of its responsibilities and operation. For example, there is a narrow emphasis on 'enforcement of the legal requirements' (Section II, par.2a) and on 'compliance...with the laws and the statutory acts...and with the instructions of the Minister of Education and Science' (Section II, par.2c). Section III, Par.4c,d (*sic*) refer to 'inspectors' (this contrasts with the concept of 'review team members' recommended earlier by the experts).

*The experts recommend that any Council of Ministers Decision should emphasise that a national system for HE quality review must address the wider educational agenda for quality enhancement and assurance, rather than simply a narrow agenda of legal compliance. It should be possible for a national HE quality agency to refer issues of legal compliance either to the MoES, or other law enforcement agencies, as appropriate.*

- The draft Decision refers extensively to the position and roles of the Chief Inspector (e.g. see Section III, par.2-5). The experts envisage the chief executive within any new national HE quality agency as having a different sort of title, and certainly not being the same person as the head of any pre-university inspectorate. In particular, Section III, par.5, of the draft Decision describes how the Chief Inspector will 'directly report and is accountable to the respective minister', or will report to 'another reporting unit within the structure of the relevant ministry', as 'expressly appointed' by the minister. Section V, par.1 further emphasises the role of the Minister of Education and Science in appointing the Chief Inspector. The relationship described here between the Chief Inspector and the Minister/Ministry is not consistent with the independence of any national HE quality agency from central government, as recommended earlier by the experts.

*The experts recommend that any Council of Ministers Decision should establish that a national HE quality agency should be led by a chief executive who is appointed by an appropriately open public appointments system, not simply by the Minister of Education and Science, and who operates with genuine independence from the Minister and the MoES.*

- The draft Decision refers in detail to the wider staffing of the State Education Inspectorate (see Section V, par.2-7). These details appear to indicate a staffing approach controlled by central government officials (the Chief Inspector, and also other 'representatives' from the Public Administration Department, the MoES and the Central Inspectorate), and based on a

transfer of staff from the National Pre-university Education Inspectorate (NIPE) and MoES. Interestingly, there appears to be no reference to any transfer of staff from the existing Public Agency of Accreditation for Higher Education (PAAHE) to the new Inspectorate. The approach to wider staffing suggested here is not consistent with what the experts envisaged for a new national HE quality agency. They envisaged that the new agency would itself be responsible for the recruitment of staff with skills profiles particularly appropriate for supporting specific HE review for quality enhancement and assurance, and the agency would probably be based upon a strengthened version of the current PAAHE.

*The experts recommend that any Council of Ministers Decision should ensure that a national HE quality agency is responsible for the recruitment of its own staff, who will meet skills profiles particularly appropriate to supporting HE review for quality enhancement and assurance. This may include recruitment of suitable staff from the existing PAAHE.*

- In Section III, par.4d (*sic*) and 8, the draft Decision refers to the role of the Chief Inspector in examining complaints against inspectors' decisions, and to the existence of a Complaints Commission within the Inspectorate. In previous Technical Papers, the experts have discussed approaches to complaints/appeals within a national system for HE quality review. The experts identified the need for careful clarification of the precise appeal mechanisms where the work of the HE quality agency led to fundamental outcomes such as Council of Ministers' decisions to suspend or remove the licence of a private HEI, after this has been recommended through the quality agency and the MoES. The experts envisaged the detail of such appeal mechanisms may well involve clarifying a role for a particular Court. The experts' current view is that the essentially internal State Education Inspectorate complaints processes indicated in the draft Decision lack the degree of 'externality' the experts had envisaged for appeals against fundamental HE quality review decisions.

*The experts recommend that any Council of Ministers Decision should establish that there will be appropriate externality to any appeals process against fundamental decisions taken by the national HE quality agency, the MoES and the Council of Ministers as part of the HE quality review process (e.g. on suspension or removal of private HEI licences). This may include specifying appeals to particular Courts.*

- The experts are not completely clear on the meaning of Section III, par. 7 of the draft Decision. The experts question if the reference in par.7 to 'paragraph 8 of this decision' should actually refer to the preceding par.6. Moving on from this cross-referencing issue, the experts assume par. 7 is simply indicating that the State Education Inspectorate is responsible for the aspects listed in a) and b) (i.e. human resource management, legal issues etc.) within its own organisation, rather than implying that it will be inspecting educational institutions for their approach to these aspects. If this assumption is correct, it would be useful to make this completely clear in the wording of par. 7. If the intention is to indicate

that inspection covers these aspects, the experts would emphasise that HE quality review must cover a wider agenda for educational quality enhancement and assurance than the issues listed in par. 7.a-b.

*The experts recommend that any Council of Ministers Decision should clarify fully whether par.7 in Section III of the current draft Decision refers to the internal functions of the State Education Inspectorate itself. If par.7 refers to functions of educational institutions which an Inspectorate will inspect, any Decision should emphasise that an HE quality agency will review HEIs for wider educational aspects than the functions listed in the current par.7.*

## **2 CONCLUDING COMMENT**

The above comments and recommendations on the draft Council of Ministers Decision are based on the experts' continuing position that a national quality review system for HE should be distinct from any general central government inspection system, or any specific inspectorate covering pre-university education. However, if Albanian Government policy continues to include HE within an overall national inspection framework, the experts regard it as essential that this does not compromise what they see as the key features that are necessary for any HE quality system to meet European best practices. These features include an HE quality review system which has appropriate independence from central government, and which reviews HEIs for the wider agenda on continuous enhancement and assurance of the quality of educational provision, rather than simply for a narrow agenda on legal compliance.

## **References**

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