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TECHNICAL PAPER

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

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INTRODUCTION

This Technical Paper is part of on-going work by experts from the General Teaching Council for Scotland for the Council of Europe/EU Project against Corruption in Albania (PACA). This work has involved general analysis of the Albanian education system - see '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. It has also involved specific consideration of private education within Albania - see 'Assessment Of The Licensing, Regulation And Inspection Of Private Educational Institutions Within Albania', June 2011, CMU-PACA-16/2011. Ministry of Education and Science (MoES) feedback on these Technical Papers, a response from the experts provided in December, and discussions with MoES officials at a meeting held on 17 January 2012 led to a concluding Technical Paper - 'Final Assessment Of The Use Of PACA Recommendations For The Albanian Education System' (ECS/PACA-01/2012).

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

- **General approach to quality assurance and enhancement of HEIs**

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).

- **The temporary Ministerial 'Monitoring Platform' for quality in private HEIs**

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.

- **Inspection of HEIs, inspection of pre-university education and the role of the Ministry**

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 .

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.

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.

- **Recommendations for amendments to the Law on Higher Education (Albanian Parliament, May 2007) relating to HEI inspections**

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 the European Association for Quality Assurance in Higher Education (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.

- **Recommendations on the main criteria for i) launching and ii) conducting HEI inspections**

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.

- **Recommendations on the main content of HEI inspection procedures, from decisions to launch an inspection to the final inspection report**

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.

- **Recommendations on the main inspection standards, i.e. the criteria by which HEIs are evaluated**

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

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 sub-divided 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 sub-divided 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.

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