



## **COMPARATIVE ANALYSIS OF THE UK QUALITY CODE FOR HIGHER EDUCATION AND THE EUROPEAN STANDARDS AND GUIDELINES (2015) TOGETHER WITH THE ADDITIONAL REQUIREMENTS OF THE REGISTER COMMITTEE OF EQAR IN EQAR 12/1**

### **Introduction**

- i This paper reports on a comparative analysis of the European Standards and Guidelines (2015) (ESG 2015) the additional requirements of the Register Committee of EQAR set out in 'Use and Interpretation of the ESG for the European Register of Quality Assurance Agencies' (EQAR 12/1) and the UK Quality Code for Higher Education (2014) (the Quality Code). The purpose of the analysis is to highlight the principal crossovers between the Quality Code and the ESG 2015 and those parts of EQAR 12/1 that impose requirements additional to those of ESG 2015 on providers and regulators or that otherwise need to be considered. In this note, all references to the ESG that are not otherwise qualified are to the ESG (2015).
- ii The paper highlights differences in the philosophies and approaches underlying the ESG and the Quality Code. It notes the greater prominence of students in the Quality Code, whereas in the ESG they are seen as one of a number of stakeholders. Staff are explicitly recognised as stakeholders by the ESG and there is a Standard in Part 1 of the ESG specifically focused on teaching staff.
- iii The paper also notes the attention the Quality Code devotes to 'Setting and Maintaining Academic Standards and comments that this is in response to the independence that UK awarding bodies currently have to set the academic standards for their awards and the need to provide a sector-wide framework to enable some alignment of those standards across awarding bodies. The paper contrasts this situation with that of many other member states of the European Higher Education Area, where the standing of higher education awards is a matter that is regulated by the state and where many states have written the ESG and the Framework for Qualifications in the European Higher Education Area (FQ-EHEA) into their domestic legislation.

The paper notes the different trajectories followed by higher education in the UK and elsewhere in the EHEA, where private higher education provision inhabits the margins and where transnational higher education (TNHE) delivered by EHEA providers other than the UK within the EHEA and by EHEA states further afield has a long way to go

before it can begin match the volume and variety of TNHE delivered under the auspices of UK awarding bodies.

## The ESG and the Quality Code compared

### The ESG

- 1 Responsibility for the development and promulgation of the ‘Standards and Guidelines for Quality Assurance in the European Higher Education Area (European Standards and Guidelines, ESG) was first assigned to the European Association for Quality Assurance in Higher Education (ENQA) by the Ministerial Conference of the Bologna Process more than 10 years ago.
- 2 The role of the ESG in the Bologna Process<sup>1</sup> is to provide common guidance on ‘areas that are vital for successful quality provision and learning environments in higher education’ for higher education providers and quality assurance agencies across the European Higher Education area (EHEA). The ESG are complemented by the Qualifications Framework of the European Higher Education Area (QF-EHEA),<sup>2</sup> and the European Credit Transfer and Accumulation System (ECTS)<sup>3</sup>
- 3 The ESG 2015 and the Quality Code differ fundamentally, in that the ESG aims to provide the principles (‘Standards’) for a common quality framework that extends across 46 independent sovereign states. The ESG is published in three Parts:
  - Part 1 (10 Standards) provides the Standards which are applicable to higher education providers
  - Part 2 (7 Standards) provides the Standards for the periodic external scrutiny of higher education providers by national agencies (or other bodies accredited or recognised by the European Quality Assurance Register Committee (EQAR)
  - Part 3 (7 Standards) provides the Standards against which national agencies or accreditors are to be periodically judged for fitness to become members of ENQA and be considered for inclusion on the European Quality Assurance Register by the EQAR Register Committee.

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<sup>1</sup> The UK played a central part in instigating the Bologna Process in the late 1990s. It is best understood as a long term project for the convergence and reform of higher education across the states that have been accepted as members of the European Higher Education Area. There is an established process for assisting candidates for membership of the EHEA to align their frameworks for managing higher education with the higher education norms of the EHEA. The ESG play a central part in transmitting and updating those norms. See <http://www.ehea.info/article-details.aspx?ArticleId=5> In 2016 there are 48 members of the European Higher Education Area. They have worked together through a succession of Ministerial Conferences to harmonise frameworks and arrangements for higher education among them with the aim of enabling the free movement of students and academics across the EHEA for study and research and mutual recognition of higher education qualifications in the interests of the free movement of labour.

<sup>2</sup> <http://www.ehea.info/article-details.aspx?ArticleId=65>

<sup>3</sup> [http://ec.europa.eu/education/ects/ects\\_en.htm](http://ec.europa.eu/education/ects/ects_en.htm)

The ESG are predominantly intended for taught higher education provision.

*Note on the relationship of the ESG to EQAR RC/12.1*

- 4 At various times since 2010 EQAR's Register Committee is known to have found the reports of some ENQA review panels insufficiently detailed for its purposes, while some ENQA review panels have queried whether the Register Committee had the authority to question them about their findings, since they were under contract to ENQA, not EQAR. These matters were resolved in 2014, when ENQA and EQAR concluded a working agreement giving the Register Committee authority to engage with the Chairs of ENQA review panels when it needed to clarify matters in their reports to ENQA.
- 5 The publication by EQAR of the 'Use and Interpretation of the ESG for the European Register of Quality Assurance Agencies'<sup>4</sup> in June 2015 formalises this arrangement. It alerts the Chairs and members of ENQA Review Panels working with ESG 2015 to the needs of the Register Committee and that reports produced by ENQA review panels must conform to the requirements of EQAR RC/12.1 if they are to enable the EQAR Register Committee to decide whether an agency should be placed on the European Quality Assurance Register or have its registration renewed.
- 6 The main focus of EQAR RC/12.1 is on Parts 2 and 3 of the ESG which we deal with later in this paper. It does, however, comment on ESG 2.1, to the effect that external quality assurance reviews of providers 'must include all standards of Part 1 of the ESG in the criteria and procedures they use to evaluate/accredit/audit institutions or programmes'. It adds that reports by agencies on institutions must address 'the effectiveness of internal QA processes in its evaluations, audits and accreditations.'<sup>5</sup> EQAR RC/12.1.
- 7 Increasingly, for many national quality agencies and regulators a satisfactory outcome from an ENQA review and the renewal of their membership of ENQA is now of secondary importance to registration by EQAR, because registration is the target their national authorities have set them, rather than membership of ENQA.

The UK Quality Code for Higher Education

- 8 In 2017 the Quality Code is presented in three Parts: Part A (three Chapters) deals with 'Setting and Maintaining Academic Standards'; Part B (11 Chapters) with

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<sup>4</sup> 'Use and Interpretation of the ESG for the European Register of Quality Assurance Agencies', EQAR Register Committee, June 2015 (EQAR RC12/1)

<sup>5</sup> EQAR RC12/1, p.4

‘Assuring and Enhancing Academic Quality’; and Part C (one Expectation; not subdivided) deals with ‘Information about Higher Education Provision’.<sup>6</sup>

- 9 Overall, the Quality Code consists of 19 ‘Expectations’, which can be compared in status to the Standards in the ESG. For each Chapter in Parts A and B of the Code there is one or more Expectations, with ‘Indicators of sound practice’. In the ESG, the Guidelines which accompany each Standard are equivalent to the Indicators.
- 10 In 2015, in response to widespread concerns that QAA review terms were using the Expectations and Indicators of Sound Practice of the Quality Code the manner of a checklist in Higher Education Reviews, a revised version of the Handbook for Higher Education Review stated that review teams must not use the Indicators as a checklist.<sup>7</sup>

## **The ESG and the Quality Code: a comparison**

### Setting and applying academic standards

- 11 Part A of the Quality Code provides guidance for awarding bodies to the procedures for applying the qualification descriptors in the Framework for Higher Education Qualifications (FHEQ) and other reference points, including the subject benchmark and QAA’s statements of qualification characteristics in their own particular context.
- 12 The guidance in part A of the Quality Code is designed chiefly for autonomous higher education awarding bodies and to demonstrate to stakeholders, including external observers, how academic standards are set and used. As the Higher Education and Research Bill begins its passage through Parliament it will become clearer whether its present provisions for the Office for Students (OfS) to oversee academic standards will pass into legislation. If the HER Bill is enacted there will need to be provision for OfS to promulgate something that will perform the same function as Part A of the Quality Code, possibly through some form of secondary legislation. This will put the regulation of academic standards in those parts of the UK where OfS is empowered to operate on the same footing as in many other members of the EHEA, where the quality assurance of higher education and the standards of higher education awards are matters for the state.

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<sup>6</sup> The UK Quality Code for Higher Education Overview and the Expectations, QAA, 2015, <http://www.qaa.ac.uk/en/Publications/Documents/Quality-Code-Overview-2015.pdf>

<sup>7</sup> Higher Education Review. A handbook for universities and colleges with access to funding from HEFCE or DEL undergoing review in 2015-16, QAA June 2015, p.36, <http://www.qaa.ac.uk/en/Publications/Documents/HER-handbook-15.pdf>

### Institutions and providers

- 13 Across the EHEA outside the UK, the focus of attention for the regulation and quality assurance of higher education provision is generally seen to be publicly-owned institutions. In most EHEA states private providers are generally treated as of secondary importance to state-sponsored institutions and students. This may not reflect a changing reality for many EHEA members but the use of the term 'institution' in the ESG, to refer to what in the Quality Code are termed 'providers', should remind us that in its support for the entry of private-for-profit providers into the HE 'marketplace' the UK is blazing a path that many other EHEA member states are reluctant to follow with such enthusiasm.

### External examining

- 14 The fact that the ESG contains no reference to external examiners or external verification of academic standards points up the distinctive path that the UK has followed in enlarging its higher education provision, while maintaining what the late Sir David Watson described as a 'controlled reputational range'.<sup>8</sup> The external examiner system together with the shibboleth of 'comparability' which it supports, has underpinned the global prestige of UK higher education awards made by autonomous institutions throughout three decades of expansion. In contrast in most of the other states in the EHEA,<sup>9</sup> the standing of academic awards is underwritten by the state, particularly when it recognises them as qualifications for employment in its service.

### The significance of teaching staff

- 15 It is remarkable that in the 11 Chapters of Part B of the Quality Code there is a Chapter for students and their engagement (B5) but there is no counterpart to compare with ESG 1.5. for teaching staff, Equally, some might find it remarkable that there is no counterpart to Chapter B5 in the ESG. The continuing emphasis by students in successive HEPI-HEA Student Academic Experience Surveys on the qualifications of teaching staff suggests the need for something akin to a section of the Quality Code, to lay out reasonable expectations for the selection and employment of suitably qualified teaching staff in higher education and their continuing professional development .

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<sup>8</sup> "Only connect": Is there still a higher education sector?' HEPI Occasional Paper 8, David Watson <http://www.hepi.ac.uk/wp-content/uploads/2014/07/Only-Connect-WEB-clean.pdf>

<sup>9</sup> The Republic of Ireland is exceptional in the EHEA in taking the same path as the UK in making use of external examiners.

## Learning resources

- 16 The ESG Part 1 views the learning resources provided to support a programme as sufficiently important to devote a Standard to it. In the Quality Code, Indicator 1 of Chapter B1 states: 'Programme approval processes enable higher education providers to assure themselves that sufficient and appropriate physical, human and learning resources are available'.



Quality Code Chapter/Name	Expectation	ESG Part 1 Equivalent
<b>Part A: Setting and Maintaining Academic Standards</b>		
<b>A1: UK and European Reference Points for Academic Standards</b>	<p><u>Expectation A1</u></p> <p>In order to secure threshold academic standards, degree-awarding bodies:</p> <p>a) ensure that the requirements of The Framework for Higher Education Qualifications in England, Wales and Northern Ireland/The Framework for Qualifications of Higher Education Institutions in Scotland are met by:</p> <ul style="list-style-type: none"> <li>• positioning their qualifications at the appropriate level of the relevant framework for higher education qualifications</li> <li>• ensuring that programme learning outcomes align with the relevant qualification descriptor in the relevant framework for higher education qualifications</li> <li>• naming qualifications in accordance with the titling conventions specified in the frameworks for higher education qualifications</li> <li>• awarding qualifications to mark the achievement of positively defined programme learning outcomes</li> </ul> <p>b) consider and take account of QAA's guidance on qualification characteristics</p> <p>c) where they award UK credit, assign credit values and design programmes that align with the specifications of the relevant national credit framework</p> <p>d) consider and take account of relevant Subject Benchmark Statements.</p>	

<b>A2: Degree-Awarding Bodies' Reference Points for Academic Standards</b>	<u>Expectation A2.1</u> In order to secure their academic standards, degree-awarding bodies establish transparent and comprehensive academic frameworks and regulations to govern how they award academic credit and qualifications.	
	<u>Expectation A2.2</u> Degree-awarding bodies maintain a definitive record of each programme and qualification that they approve (and of subsequent changes to it) which constitutes the reference point for delivery and assessment of the programme, its monitoring and review, and for the provision of records of study to students and alumni.	
<b>A3: Securing Academic Standards and an Outcomes-Based Approach to Academic Awards</b>	<u>Expectation A3.1</u> Degree-awarding bodies establish and consistently implement processes for the approval of taught programmes and research degrees that ensure that academic standards are set at a level which meets the UK threshold standard for the qualification and are in accordance with their own academic frameworks and regulations.	
	<u>Expectation A3.2</u> Degree-awarding bodies ensure that credit and qualifications are awarded only where: <ul style="list-style-type: none"> <li>• the achievement of relevant learning outcomes (module learning outcomes in the case of credit, and programme outcomes in the case of qualifications) has been demonstrated through assessment</li> </ul>	

	<ul style="list-style-type: none"> <li>both the UK threshold standards and the academic standards of the relevant degree-awarding body have been satisfied.</li> </ul>	
	<p><u>Expectation A3.3</u></p> <p>Degree-awarding bodies ensure that processes for the monitoring and review of programmes are implemented which explicitly address whether the UK threshold academic standards are achieved and whether the academic standards required by the individual degree-awarding body are being maintained.</p>	
	<p><u>Expectation A3.4</u></p> <p>In order to be transparent and publicly accountable, degree-awarding bodies use external and independent expertise at key stages of setting and maintaining academic standards to advise on whether:</p> <ul style="list-style-type: none"> <li>UK threshold academic standards are set, delivered and achieved</li> <li>the academic standards of the degree-awarding body are appropriately set and maintained.</li> </ul>	
<b>Part B: Assuring and Enhancing Academic Quality</b>		
	<p>There is no direct equivalent to ESG 1.1 in the Quality Code</p>	<p><u>ESG 1.1 Policy for Quality Assurance</u></p> <p>Institutions 'should have a policy for quality assurance that is made public and forms part of their strategic management. Internal stakeholders should develop and implement this policy through appropriate structures and processes, while involving external stakeholders.</p> <p>In the ESG students are defined as 'internal' stakeholders and the term is used to include with them 'all actors within an institution including students and</p>

		<p>staff'. External stakeholders include employers and external partners.</p> <p>The ESG defines 'quality assurance' as 'all activities within the continuous improvement cycle (i.e. assurance and enhancement activities)'.<sup>10</sup></p>
<b>Chapter B1: Programme Design, Development and Approval</b>	<p><u>Expectation B1</u></p> <p>Higher education providers, in discharging their responsibilities for setting and maintaining academic standards and assuring and enhancing the quality of learning opportunities, operate effective processes for the design, development and approval of programmes.</p>	<p><u>ESG 1.2 Design and approval of programmes</u></p> <p>This Standard states that programmes should be designed to meet the objectives set for them 'including the intended learning outcomes'. It should be clear what qualification 'results' from a programme.</p>
<b>Chapter B2: Recruitment, Selection and Admission to Higher Education</b>	<p><u>Expectation B2</u></p> <p>Recruitment, selection and admission policies and procedures adhere to the principles of fair admission. They are transparent, reliable, valid, inclusive and underpinned by appropriate organisational structures and processes. They support higher education providers in the selection of students who are able to complete their programme.</p>	<p><u>ESG 1.4. Student admission, progression, recognition and certification</u></p> <p>Institutions should have and apply pre-defined and published regulations for all stages of the student life-cycle from admission through progression, recognition and certification.</p>
<b>Chapter B3: Learning and Teaching</b>	<p><u>Expectation B3</u></p> <p>Higher education providers, working with their staff, students and other stakeholders, articulate and systematically review and enhance the provision of learning opportunities and teaching practices, so that every student is enabled to develop as an independent learner, study their chosen subject(s) in depth and enhance their capacity for analytical, critical and creative thinking.</p>	<p><u>ESG 1.3 Student centred learning, teaching and assessment.</u></p> <p>Institutions ensure that their programmes are delivered in 'a way that encourages students to take an active role in creating the learning process, and that the assessment of students reflects this approach'</p>

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<sup>10</sup> ESG, p.5

<p><b>Chapter B4: Enabling Student Development and Achievement</b></p>	<p><u>Expectation B4</u> Higher education providers have in place, monitor and evaluate arrangements and resources which enable students to develop their academic, personal and professional potential.</p>	<p>There is no direct equivalent to Expectation B4 in the ESG although some part of it is conveyed in ESG 1.3 which enjoins institutions to deliver HE in ways that encourage student engagement.</p>
<p><b>Chapter B5: Student Engagement</b></p>	<p><u>Expectation B5</u> Higher education providers take deliberate steps to engage all students, individually and collectively, as partners in the assurance and enhancement of their educational experience.</p>	<p>Again, there is no direct equivalent to Expectation B5 in the ESG. See, however, ESG 1.1.</p>
<p><b>Chapter B6: Assessment of Students and the Recognition of Prior Learning</b></p>	<p><u>Expectation B6</u> Higher education providers operate equitable, valid and reliable processes of assessment, including for the recognition of prior learning, which enable every student to demonstrate the extent to which they have achieved the intended learning outcomes for the credit or qualification being sought.</p>	<p>There is no direct equivalent of B6 in the ESG but ESG 1.3 enjoins institutions to ensure that the assessment of students is student-centred.</p>
<p><b>Chapter B7: External Examining</b></p>	<p><u>Expectation B7</u> Higher education providers make scrupulous use of external examiners.</p>	<p>The practice of engaging external examiners to verify that students' achievements have been appropriately assessed is limited in the EHEA; there is no equivalent of B7 in the ESG.</p>
<p><b>Chapter B8: Programme Monitoring and Review</b></p>	<p><u>Expectation B8</u> Higher education providers, in discharging their responsibilities for setting and maintaining academic standards and assuring and enhancing the quality of learning opportunities, operate effective, regular and systematic processes for monitoring and for review of programmes.</p>	<p><u>ESG 1.9 On-going monitoring and periodic review of programmes</u> 'Institutions should monitor and periodically review their programmes to ensure that they achieve the objectives set for them and respond to the needs of students and society. These reviews should lead to continuous improvement of the programme. Any action planned or taken as a result should be communicated to all those concerned.'  This is a close equivalent of Expectation B8</p>

<b>Chapter B9: Academic Appeals and Student Complaints</b>	<p><u>Expectation B9</u></p> <p>Higher education providers have procedures for handling academic appeals and student complaints about the quality of learning opportunities; these procedures are fair, accessible and timely, and enable enhancement.</p>	<p>In the ESG, one of the Guidelines associated with ESG 1.3 is that there should be a 'formal procedure for student appeals'.<sup>11</sup></p>
<b>Chapter B10: Managing Higher Education Provision with Others</b>	<p><u>Expectation B10</u></p> <p>Degree-awarding bodies take ultimate responsibility for academic standards and the quality of learning opportunities, irrespective of where these are delivered or who provides them. Arrangements for delivering learning opportunities with organisations other than the degree-awarding body are implemented securely and managed effectively.</p>	<p>There is no direct equivalent of Expectation B10 in the ESG. The preliminaries to the ESG do, however, state that their provisions apply to all higher education, including transnational higher education within the EHEA.</p> <p>EQAR RC/12.1 helpfully extends this statement to all transnational and cross-border provision without limiting its scope to the EHEA.<sup>12</sup></p>
<b>Chapter B11: Research Degrees</b>	<p><u>Expectation B11</u></p> <p>Research degrees are awarded in a research environment that provides secure academic standards for doing research and learning about research approaches, methods, procedures and protocols. This environment offers students quality of opportunities and the support they need to achieve successful academic, personal and professional outcomes from their research degrees.</p>	<p>There is no direct equivalent of Expectation B11 in the ESG, which reflects its focus on taught programmes.</p>
	<p><u>There is no direct equivalent in the Quality Code to ESG 1.5</u></p> <p>References to teaching staff are scattered across the Quality Code; brought together, they would constitute a substantial statement.</p> <p>Chapter B3 states that 'Effective learning and teaching activities and practices are enabled through and depend</p>	<p><u>ESG 1.5 Teaching staff</u></p> <p>Institutions should assure themselves of the competence of their teachers. They should apply fair and transparent processes for the recruitment and development of the staff.</p>

<sup>11</sup> ESG 1.3, p.10

<sup>12</sup> EQAR RC/12.1, p.2

	on staff who are appropriately qualified for their role and who engage throughout their career in continuing professional development, in the evaluation of their practice, and in developing their understanding of their subject and the learning process as it relates to their subject.'	
	<p>There is no direct equivalent in the Quality Code to ESG 1.5</p> <p>Indicator of sound practice 1 in Chapter B1 states, <i>inter alia</i> that 'Programme approval processes enable higher education providers to assure themselves that sufficient and appropriate physical, human and learning resources are available.'</p> <p>There are scattered references to 'student support' throughout the Quality Code, but particularly in B3, Learning and Teaching.</p>	<p><u>ESG 1.6 Learning resources and student support</u></p> <p>Institutions should have appropriate funding for learning and teaching activities and ensure that adequate and readily accessible learning resources and student support are provided.</p>
<b>Part C: Information about Higher Education Provision</b>		
	<p><u>Expectation C</u></p> <p>Higher education providers produce information for their intended audiences about the learning opportunities they offer that is fit for purpose, accessible and trustworthy.</p>	<p><u>ESG 1.7 Information management</u></p> <p>Institutions should ensure that they collect, analyse and use relevant information for the effective management of their programmes and other activities.</p>
		<p><u>ESG 1.8 Public information</u></p> <p>Institutions should publish information about their activities, including programmes, which is clear, accurate, objective, up-to date and readily accessible</p>