

External review of Malta Further and Higher Education Authority (MFHEA) by ENQA

Annex I: TRIPARTITE TERMS OF REFERENCE BETWEEN MFHEA, ENQA AND EQAR March 2023

I. Background and context

The Malta Further and Higher Education Authority (MFHEA) was established in January 2021 with the coming into force of the Further and Higher Education Act (Cap 607), "to foster the development and achievement of excellence in further and higher education in Malta through research, effective licensing, accreditation, quality assurance and recognition of qualifications established under the Malta Qualifications Framework." (MFHEA Mission Statement).

The MFHEA traces its roots to 2005 when the Malta Qualifications Council (MQC) was established to oversee the development of the National Qualifications Framework in the context of lifelong learning. In 2006 the National Commission for Higher Education (NCHE) was set up as a consultative and advisory body to government on higher and further education. In 2012 the National Commission for Further and Higher Education was established by Article 64 of the Education Act (Cap327) to absorb the functions of the MQC and the NCHE and to furthermore promote the development of further and higher education in Malta by means of regulation and by the promotion of best practices. The NCFHE was re-established as the MFHEA in 2021. The MFHEA provides institutional, course and programme accreditation and quality assurance at further and higher education levels, recognition of qualifications, validation of informal and non-formal learning as well as research and policy recommendations on issues related to further and higher education.

The MFHEA is also responsible for conducting External Quality Assurance Audits (EQAA) of further and higher education institutions. This process ensures the development and accountability of institutions. The EQAA serves to establish and ensure that the internal quality management system of the provider is:

- fit for purpose according to the provider's courses and service users;
- compliant with standards and regulations and contributing to the development of a national quality culture;
- contributing to the fulfilment of the broad goals of Malta's Education Strategy 2014-2024;
- implemented with effectiveness, comprehensiveness, and sustainability.

Another important EQA responsibility of the MFHEA is the process to ensure the independence and competence of Evaluators and Reviewers engaged, as well as the initial training and continuous professional development of the same.

MFHEA has been an affiliate of the European Association for Quality Assurance in Higher Education (ENQA) since 2014 (its predecessor the National Commission for Further and Higher Education or NCFHE) and is applying for ENQA membership.

MFHEA is applying for inclusion on EQAR.

2. Purpose and scope of the review

This review will evaluate the extent to which MFHEA (the agency) complies with each of the standards of Parts 2 and 3 of the *Standards and Guidelines for Quality Assurance in the European Higher Education Area* (ESG) and support the agency in its efforts to continually review and enhance its work. Such an external review is a requirement for agencies wishing to apply for ENQA membership and/or for EQAR registration.

2.1 Activities of the agency within the scope of the ESG

To apply for ENQA membership and EQAR registration, this review will analyse all of the agency's activities that fall within the scope of the ESG, e.g., reviews, audits, evaluations or accreditations of higher education institutions or programmes that relate to teaching and learning (and their relevant links to research and innovation). All activities are reviewed irrespective of geographic scope (within or outside the EHEA) or whether they are obligatory or voluntary in nature.

The following activities of the agency must be addressed in the external review:

1. Licensing of further and higher education institutions in Malta;
2. Accreditation of home grown programmes offered by licensed institutions;
3. Recognition of foreign programmes and qualifications which are pegged to the European Qualifications Framework;
4. Guidance and review of institutional IQA procedures;
5. External quality assurance audits;

All these activities will be included on the agency's profile on the EQAR website and linked to DEQAR database. NB: The agency may not upload reports from other activities to DEQAR.

Considering the agency's role in the recognition of external QA decisions by other QA agencies, the external review is also expected to address how MFHEA ensures ESG compliance when considering the results of an external QA activity by a non-EQAR-registered quality assurance agency.

The activity *selection process to ensure the independence and competence of Evaluators and Reviewers as well as initial training and continuous professional development of the same* is not an external QA activity in itself but addresses aspects that are transversal to the agency's quality assurance activities (ESG 2.4) and are therefore considered as part of the agency's application for inclusion on EQAR.

2.2 Activities outside the scope of the ESG

The activity *Compliance and Legal Unit within the MFHEA* is a form of risk assessment investigation (see clarification of 27/04/2023) related to the licensing of further and higher education institutions. While the activity in itself is outside the scope of the ESG the external review of MFHEA should also address the way in which the agency prevents conflicts of interests in carrying out this activity (please see Annex 2 of the Policy on the Use and Interpretation of the ESG¹).

The following activities outside the scope of the ESG are not relevant for the application for inclusion on EQAR:

¹Available at: <https://www.eqar.eu/about/official-documents/#use-and-interpretation-of-the-esg>

- Recognition of foreign programmes and qualifications which are pegged to the European Qualifications Framework
- Mutual recognition of professions and EU Affairs Office
- Research and Policy Unit
- Malta Qualifications Recognition Information Centre (MQRIC)
- Validation of non-formal and informal learning.

3. The review process

The review will be conducted following the methodology of ENQA Agency Reviews. The process is designed in line with the *Guidelines for ENQA Agency Reviews* and the requirements of the *EQAR Procedures for Applications*.

The review procedure consists of the following steps:

- Formulation of, and agreement on the Terms of Reference for the review between MFHEA, ENQA and EQAR (including publishing of the Terms of Reference on ENQA's website²);
- Nomination and appointment of the review panel by ENQA;
- Notification of EQAR about the appointed panel;
- Self-assessment by the agency, including the preparation and publication of a self-assessment report;
- A site visit of the agency by the review panel;
- Preparation and completion of the final review report by the review panel;
- Scrutiny of the final review report by ENQA's Agency Review Committee;
- Publication of the final review report;
- A decision from the EQAR Register Committee on the agency's registration on EQAR;
- A decision from the ENQA Board on ENQA membership;
- Follow-up on the panel's recommendations to the agency, including a voluntary progress visit.

3.1 Nomination and appointment of the review panel

The review panel consists of four members: one or two quality assurance experts (at least one of which is currently employed by an ENQA member agency), an academic employed by a higher education institution, a student member, and potentially a labour market representative (if requested). One of the members serves as the chair of the review panel, and another member as a review secretary. For ENQA Agency Reviews at least one of the reviewers is an ENQA nominee (most often the QA professional[s]). At least one of the reviewers is appointed from the nominees of either the European University Association (EUA) or the European Association of Institutions in Higher Education (EURASHE), and the student member is always selected from among the ESU-nominated reviewers. If requested, the labour market representative may come from the Business Europe nominees or from ENQA. An additional panel member may be included in the panel at the request of the agency. In this case, an additional fee is charged to cover the reviewer's fee and travel expenses.

The panel will be supported by the ENQA Review Coordinator (an ENQA staff member) who will monitor the integrity of the process and ensure that ENQA's requirements are met

² The agency is encouraged to publish the ToR on its website as well.

throughout the process. The Review Coordinator will not be the secretary of the review and will not participate in the discussions during the site visit interviews.

Current members of the ENQA Board are not eligible to serve as reviewers.

ENQA will provide the agency with the proposed panel composition and the curricula vitae of the panel members to establish that there are no known conflicts of interest. The reviewers will have to agree to a non-conflict of interest statement that is incorporated in their contract for the review of this agency.

3.2 Self-assessment by the agency, including the preparation of a self-assessment report

The agency is responsible for the execution and organisation of its own self-assessment process and must adhere to the following guidance:

- Self-assessment is organised as a project with a clearly defined schedule and includes all relevant internal and external stakeholders;
- The self-assessment report is expected to contain:
 - a brief description of the HE and QA system;
 - the history, profile, and activities of the agency;
 - a presentation of how the agency addresses each individual standard of Parts 2 and 3 of the ESG for each of the agency's external QA activities, with a brief, critical reflection on the presented facts;
 - opinions of stakeholders;
 - the instances of partial compliance noted in the most recent EQAR Register Committee decision of inclusion/renewal and any other aspects that may have been raised by the EQAR Register Committee in subsequent change report decisions (if relevant);
 - reference to the recommendations provided in the previous review and actions taken to meet those recommendations;
 - a SWOT analysis;
 - reflections on the agency's key challenges and areas for future development.
- All the agency's external QA activities (as defined under section 2.1) are described and their compliance with the ESG is analysed in the SAR.
- The report is well-structured, concise, and comprehensive. It clearly demonstrates the extent to which the agency performs its tasks of external quality assurance and meets the ESG.

The self-assessment report is submitted to the ENQA Secretariat, which has two weeks to carry out a screening. The purpose of a screening is to ensure that the self-assessment report is satisfactory for the consideration of the panel. The Secretariat will not judge the content of information itself but rather whether or not the necessary information, as outlined in the *Guidelines for ENQA Agency Reviews*, is present. If the self-assessment report does not contain the necessary information and fails to respect the requested form and content, the ENQA Secretariat reserves the right to ask for a revised version within two weeks.

The final version of the agency's self-assessment report is then submitted to the review panel a minimum of eight weeks prior to the site visit. The agency publishes the completed

SAR on its website and sends the link to ENQA. ENQA will publish this link on its website as well.

3.3 A site visit by the review panel

The review panel will draft a proposal of the site visit schedule which must be submitted to the agency at least six weeks before the planned dates of the visit. The schedule is to include an indicative timetable of the meetings and other exercises to be undertaken by the review panel during the site visit, the duration of which is usually 2,5 days. The approved schedule must be given to the agency at least one month before the site visit to properly organise the requested interviews.

In advance of the site visit (ideally at least two weeks before the site visit), the panel will organise an obligatory online meeting with the agency. This meeting is held to ensure that the panel reaches a sufficient understanding of:

- The specific national/legal context in which the agency operates;
- The specific quality assurance system to which the agency belongs;
- The key characteristics of the agency's external QA activities.

The review panel will be assisted by the ENQA Review Coordinator during the site visit. The review coordinator will act as the panel's chief liaison with the agency, monitor the integrity of the review process and its consistency, and ensure that ENQA's overall expectations of the review are considered and met.

The site visit will close with a final debriefing meeting in which the panel outlines its general impressions and provides an overview of the judgement on the agency's ESG compliance. The panel will not comment on whether or not the agency would be granted/reconfirmed membership with ENQA or registration on EQAR.

3.4 Preparation and completion of the final review report

Based on the review panel's findings, the review secretary will draft the report in consultation with the review panel. The report will follow the purpose and scope of the review as defined under sections 2 and 2.1. It will also provide a clear rationale for the panel's findings concerning each standard of Parts 2 and 3 of the ESG. When preparing the report, the review panel should also bear in mind EQAR's *Policy on Use and Interpretation of the ESG for the European Register of Quality Assurance Agencies*³ to ensure that the report contains sufficient information for the Register Committee to consider the agency's application for registration on EQAR.

A draft will first be submitted to the ENQA Review Coordinator who will check the report for consistency, clarity, and language, and it will then be submitted to the agency – usually within 10 weeks of the site visit – for comment on factual accuracy and grave misunderstandings only. The agency will be given two weeks to do this and should not submit any additional material or documentation at this stage. Thereafter, the review panel will take into account the agency's feedback on possible factual errors and finalise and submit the review report to ENQA.

The report should be finalised within three months of the site visit and will normally not exceed 40-50 pages in length.

³ Available at: <https://www.eqar.eu/about/official-documents/#use-and-interpretation-of-the-esg>

3.5. Publication of the report and a follow-up process

The agency will receive the review panel's report and publish it on its website once the Agency Review Committee has validated the report. The report will also be published on the ENQA website together with the statement of the Agency Review Committee validating external review reports by assessing the integrity of the review process and checking the quality and consistency of the reports. Importantly, during this process, and prior to final validation of the report, the Agency Review Committee has the option to request additional (documentary) evidence or clarification from the review panel, review coordinator or the agency if needed. The review report will be published on ENQA website regardless of the review outcome.

As part of the review's follow-up activities, the agency commits to react on the review recommendations and submit a follow-up report to ENQA within two years of the validation of the final external review report. The follow-up report will be published on the ENQA website.

The follow-up report may be complemented by an optional progress visit to the agency performed by two members of the original panel (whenever possible). The visit, which normally takes place 2-3 years after the verification of the final external review report (and after submission of the follow-up report), aims to offer an enhancement-oriented and strategically driven dialogue that ordinarily might be difficult to truly integrate in the compliance-focused site visit. The progress visit thus does not have the objective of checking the agency's ESG compliance or how the agency has followed up on the recommendations, but rather provides an arena for strategic conversations that allow the agency to reflect on its key challenges, opportunities, and priorities. Should the agency not wish to take advantage of this opportunity, it may opt out by informing the ENQA Review Coordinator about this.

4. Use of the report

ENQA will retain ownership of the report. The intellectual property of all works created by the review panel in connection with the review contract, including specifically any written reports, will be vested in ENQA.

The report is used as a basis for the Register Committee's decision on the agency's registration on EQAR. In the case of an unsuccessful application to EQAR, the report may also be used by the ENQA Board to reach a conclusion on whether the agency can be admitted/reconfirmed as a member of ENQA. The review process is thus designed to serve two purposes. In any case, the review report should only be considered final after validation by the Agency Review Committee. After submission to ENQA but before validation by the ARC, the report may not be used or relied upon by the agency, the panel, or any third party and may not be disclosed without ENQA's prior written consent. The approval of the report is independent of the decision on EQAR registration or ENQA membership.

For the purposes of EQAR registration, the agency will submit the review report (once validated by the Agency Review Committee) to EQAR via email. The agency should also include its self-assessment report (in a PDF format), a Declaration of Honour, and any other documents that may be relevant for the application (i.e., annexes, statement to the review report, updates). EQAR is expected to consider the review report and the agency's

application at its Register Committee meeting as stipulated in the indicative review schedule below and before the decision on ENQA membership by the ENQA Board.

To apply for ENQA membership, the agency is also requested to provide a letter addressed to the ENQA Board outlining its motivation for applying for membership and the ways in which the agency expects to contribute to the work and objectives of ENQA during its membership. This letter will be considered by the Board together with the confirmation of EQAR listing when deciding on the agency's membership. Should the agency not be granted the registration in EQAR or the registration is not renewed, the decision on ENQA membership will be taken based on the final review report, the application letter, and the statement from the Agency Review Committee. The decision on membership will be published on ENQA's website.

5. Indicative schedule of the review

Agreement on Terms of Reference	February 2023
Appointment of review panel members	March 2023
Self-assessment completed	1 June 2023
Screening of SAR by ENQA Review Coordinator	Mid-June 2023
Preparation of the site visit schedule and indicative timetable	July 2023
Briefing of review panel members	August 2023
Review panel site visit	October 2023
Draft of review report and its submission to ENQA Review Coordinator for verification of its compliance with the Guidelines	Mid-December 2023
Draft of review report to be sent for a factual check to the agency	January 2024
Agency statement on the draft report to the review panel (if necessary)	End-January 2024
Submission of the final report to ENQA	February 2024
Validation of the review report by the Agency Review Committee	March 2024
Publication of report	March 2024
EQAR Register Committee meeting and initial consideration	Spring 2024
Decision on ENQA membership by the ENQA Board	Spring 2024