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Bern, 3 December 2019

Subject: Membership of AHPGS in ENQA

Dear Georg,

I am writing to inform you of the outcome of the ENQA Board's decision of 28 November 2019 regarding the appeal AHPGS lodged against the ENQA Board's decision of 20 June 2019 not to renew ENQA membership due to insufficient overall level of compliance with the ESG. More specifically, AHPGS appealed against the Board decision of the agency's non-compliance on ESG 3.4 and the Board decision of the agency's partial compliance on ESG 2.1. The agency additionally lodged a complaint regarding the lack of transparency in the decision-making process and the non-consultation of AHPGS when postponing the decision on membership.

AHPGS submitted the abovementioned appeal and complaint on 8 August 2019. In line with article 24 of the ENQA Rules of Procedure, the ENQA Secretariat first reviewed the appeal and complaint and determined that eligible grounds and supporting evidence have been presented in the document of AHPGS. The ENQA Secretariat then forwarded the appeal and complaint for the consideration of the Board, who agreed on 19 September 2019 to distribute the AHPGS appeal and complaint documentation to the ENQA Appeals and Complaints Committee (hereinafter the ACC), requesting the ACC to review the Board's decision.

The following documentation was forwarded to the ACC:

- AHPGS self-assessment report dated 4 October 2018
- The expert panel's review report
- Letter from the panel chair and AHPGS factual accuracy comments on the report dated 22 March 2019
- AHPGS letter to the ENQA Board dated 5 April 2019 confirming the agency is committed to initiating work on ESG 3.4
- The scrutiny reports of ENQA's Review Committee dated 25 April 2019 and 19 June 2019
- Extracts from the minutes of the Board meeting dated 25 April 2019 and 19 June 2019
- ENQA Board letter to the review panel dated 7 May 2019
- ENQA Board letter to AHPGS dated 8 May 2019
- Panel response to the ENQA Board letter dated 3 June 2019
- The ENQA Board's decision letter to AHPGS dated 27 June 2019

- AHPGS' letter of appeal and complaint dated 8 August 2019.

On 25 October, the ACC submitted a report on the AHPGS appeal and complaint to the Board, recommending the Board to reject the appeal and complaint and stand by its initial decision on insufficient overall level of compliance of AHPGS with the ESG. More specifically, the ACC concluded that the agency remains non-compliant with the ESG 3.4, whereas the agency was found to be substantially compliant on ESG 2.1. Regarding the complaints that were raised, the ACC found that the ENQA Board followed due process in accordance with its rules of procedure in carrying out the review of AHPGS, therefore the main substance of the complaint is not upheld.


Following this, the Board took a decision at its meeting on 28 November 2019, in which it follows the statement of the ACC, i.e. the Board rejects AHPGS' appeal and complaint and stands by its initial decision not to renew AHPGS membership in ENQA and to designate the agency as "Member under review" for a period of two years from 20 June 2019. The Agency will need to undergo a new partial review process at the end of this period, or sooner, if it wishes. The partial review will focus in particular on ESG 3.4 Thematic analysis. According to the Rules of Procedure of ENQA, the decision of the ENQA Board is final and non-appealable.

Following the risen complaints, the Board and the Secretariat acknowledge to look closely at the communication policy and approach to the review of all agencies.

Please find the summary of the ACC's findings as an appendix to this letter. This letter will be published on the ENQA website together with the final review report as well as the Board's initial decision.

If you have any further queries, please do not hesitate to contact the ENQA Secretariat.

Yours sincerely,



Christoph Grolimund
President

Annex: Summary of findings of the ENQA Appeals and Complaints Committee

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The ACC concluded that the decision of the ENQA Board should stand in the context of evidence provided and evaluated against the ESG:

ESG 3.4 Thematic analysis

The Review Panel's statement

The panel concluded that the agency was non-compliant on this standard. In the report, the panel noted that it did not find any evidence in the self-assessment report which was compatible with the publication of thematic analysis reports. Furthermore, none of the subsequent follow-up statements after the review provided evidence that is in fact reflective of thematic analysis (i.e. to describe and analyse the general findings of the agency's external quality assurance activities). According to the panel, the simple act of carrying out these activities is not the intended outcome of ESG 3.4. Next, the panel learned from the interviews with the Director during the site visit that thematic analysis is not an activity included in the agency's annual work plan and there were no resources devoted to this activity. The Director stated explicitly that from his point of view, performing thematic analysis is not within the perceived scope of the AHPGS' activities.

The written response of the agency to the review panel on the factual accuracy of the report endorsed the points above. The panel obtained a written statement from the agency in its feedback on the factual accuracy that the thematic analysis standard is outside the agency's remit. The panel therefore concluded that there is no activity, resources plan or objectives for AHPGS to engage in thematic analysis. Finally, after the factual accuracy the agency claimed a misunderstanding and indicated that this position is fully reversed with a letter committing to resources and plans for thematic analysis going forward after the ENQA review site visit.

ENQA Review Committee's statement (scrutiny report)

The scrutiny report judgements agreed with the panel judgement and recommendations on ESG 3.4.

The Board's statement

The decision of the ENQA Board followed the panel conclusion on non-compliance of the agency on ESG 3.4.

The Agency's response in the appeal

The agency appealed against the decision of the Board and requested the ESG 3.4 to be assessed as substantially compliant. The agency justified such self-assessment by stating that the review panel's recommendation to allocate financial and human resources to regularly develop thematic analysis was implemented after the site-visit. Furthermore, the agency claimed that the following of its publications refer to the ESG 3.4 and were produced on behalf of the AHPGS:

- Interprofesionalität in der gesundheitsberuflichen Bildung im Spannungsfeld von beruflicher Identitätsentwicklung und Professionalisierung (2019)
- Akademisches Franchising – Chancen und Risiken für die Hochschulbildung und die Frage der Qualitätssicherung (2017)
- Pflege und Pflegebildung im Wandel – der Pflegeberuf zwischen generalistischer Ausbildung und Akademisierung (2016)
- Gesundheitsbezüge in der Sozialen Arbeit und Soziale Arbeit im Gesundheitswesen (2015)
- Die novellierte berufsgesetzliche Regelung der Pflege – Struktur und mögliche Wirkungen (2016)
- Gesundheitsversorgung: Berufsfelder und Bildung (2018)
- Erfahrungen mit der Systemakkreditierung – interne und externe (2016)
- Erfahrungen mit der Systemakkreditierung – eine Zwischenbilanz (2018)
- Anrechnung ausserhochschulisch erworbener Kompetenzen (2016)
- Möglichkeiten und Grenzen der Anrechnung von ausserhalb des Hochschulwesens erworbenen Kompetenzen auf ein Hochschulstudium aus Sicht der Akkreditierung (2013)
- Durchlässigkeit zwischen beruflicher Bildung und Hochschulbildung im Kontext sich verändernder Rahmenbedingungen – Chancen und Risiken für eine weitergehende Professionalisierung der Gesundheitsberufe in Pflege und Therapie in Deutschland (2013)
- Annual Windenreuter Gremientagung.

Finally, the agency claimed to had followed the recommendations from the previous review (i.e. following the ESG 2005) when addressing the ESG 3.4.

The ACC's assessment

The ACC requested copies of some of the reports presented by AHPGS as retrospective evidence in a turnaround decision by AHPGS to defend its approach to thematic analysis. However, the new post site-visit evidence as acquired by the ACC did not provide evidence of any thematic analysis of the AHPGS external quality assurance activities.

The ACC noted that the agency's appeal and complaint letter citing documentation on internal meetings, articles etc. did not provide evidence of the thematic analysis. This documentation presented for ESG 3.4 is topical academic themes in the broader quality field, e.g. 'Akademisches Franchising-Chancen und Risiken für die Hochschulbildung und die Frage der Qualitätssicherung (2017)'. For example, the franchising academic article does not refer to the accreditation results or any of the QA accreditation activities of the agency, nor does it provide an analysis of the work of the agency activity or any connection to it or to the overall findings of the agency work. Furthermore, the work does not explain how the agency activities relate to academic franchising. The article has several academic references including the GAC procedures and policies. Some of the other topics presented in the agency's appeal and complaint letter do not appear to relate to the work of the agency at all.

The ACC additionally noted that the new ESG as introduced in 2015 and the new requirements as set in the ESG 3.4 have been communicated to all agencies by ENQA in a number of different formats since then. The reference by AHPGS to the 2014 review recommendation on this ESG is therefore not relevant to its defence as the 2014 version of the thematic analysis was different to the new 2015 version and interpretation.

The ACC concluded that the position of the agency before and during the ENQA review process did not support evidence of agency activity under the ESG 3.4. The ACC emphasised that the agency's position did not even support an intention to be active in the area of the ESG 3.4 in the future, until the letter dated 5 April 2019 was sent by AHPGS confirming they are committed to starting work on the thematic analysis. The fact that the initial position of the agency confirmed that thematic reviews were not within the scope of the agency and no work plan or resources were devoted to publication, dissemination, description and analysis of QA activities, is quite significant. The ACC noted that the additional contradictory information, i.e. the written declarations following the completion of the site visit review, is not winning the evidence argument for the agency. The declarations made by the agency to commence work in this area are most welcome, but the ACC believes that such declarations do not provide any additional evidence of achieving compliance with ESG 3.4 for the purpose of the ENQA review undertaken.

The ACC thus concluded that the agency remains non-compliant with the ESG 3.4.

ESG 2.1 Consideration of internal quality assurance

The Review Panel's statement

The panel requested for clarity on the evidence provided for the ESG 2.1, more specifically on the following standards of Part 1 of the ESG: 1.7, 1.8 and 1.9. Since the panel could not find the requested evidence, the panel concluded that the agency is partially compliant on ESG

2.1, which means that some aspects or parts of the ESG standard are met while others are not. The interpretation of the ESG standard by AHPGS is correct, but the manner of implementation is not effective enough.

ENQA Review Committee's statement (scrutiny report)

Two of the Review Committee members' conclusions agree with the panel conclusion, whereas one member of the Committee emphasises that the reports of programme and institutional reviews undertaken in Germany incorporate all the criteria described in Part 1 of the ESG and are correctly addressed. However, the same person notes that quality assurance processes described in Part 1 of the ESG should be addressed with more detail in the assessments carried out outside Germany.

The Board's statement

The decision of the ENQA Board followed the panel conclusion on partial compliance of the agency on ESG 2.1.

The Agency's response in the appeal

The agency appealed against the decision of the Board on ESG 2.1 and requested the standard to be assessed as substantially compliant. The agency justified such self-assessment by stating that on 4 October 2018 it provided a map clearly indicating that all standards of Part 1 of the ESG have been addressed in the agency's activities. For this purpose, the agency referred to annex 2 of the self-assessment report.

The ACC's assessment

The ACC looked through some of the reports on programme accreditation and institutional audits carried out by AHPGS outside Germany. While the ACC agreed with the overall conclusion of the ENQA review panel that the reports are not always addressing some of the standards of ESG Part 1, the ACC did not find the absence of three standards (i.e. 1.7, 1.8 and 1.9) as indicated by the review panel but mainly just one standard, i.e. ESG 1.9. In addition, the ACC also found that all the agency reports made a conscious and specific reference towards compliance with the ESG Part 1.

Most of the programme reports considered by the ACC appeared to have full reference to the ESG Part 1. The ACC also found that references to most ESG standards (except for ESG 1.9) were present in the institutional audits. However, not all references were clearly structured or headlined and the agency's international audit reports do not have clear references to the university internal QA system. Some references to the ESG Part 1 were inferred more than

explicit and suffered more from poorly structured reporting rather than a substantial lack of reference.

Finally, the ACC considered that the ENQA review panel conclusion could have provided more direction, detail and clarity to the agency on the absence of the ESG Part 1 in the two different types of reports. This lack of clarity contributed to the overall finding by the ACC.

Following the listed arguments, the ACC concluded that the finding on the ESG compliance is closer to 'substantially compliant' rather than 'partially compliant' as the principle/spirit of the ESG is generally followed in practice. Nevertheless, the ACC considers that AHPGS has some work to do in the area of ESG 2.1 in accordance with the recommendations of the ENQA review panel. Since the German agency is operating in quite a diverse range of jurisdictions and the number of international reviews is increasing, the ACC could understand why the ENQA review panel considered the ESG omissions by AHPGS to be significant.

A complaint against the lack of transparency in the decision-making process and about the non-consultation of AHPGS in the context of the postponement of decision on membership

The Agency's complaint

The agency complained that the reason for postponement of the decision by the ENQA Board on 25 April 2019 was not communicated to AHPGS and that the agency received a notification of postponement only upon the request. Furthermore, the agency complained that the postponement of decision-making was not used by the ENQA Board to demand further information from AHPGS and thus to protect the interests of the agency to verify the information provided during the site visit. Last, but not least, the agency complained that the postponement of the decision by the ENQA Board made the agency miss the deadline to register on EQAR.

The ACC's assessment

The ACC found that the ENQA Board followed due process in accordance with its rules of procedure in carrying out the review of AHPGS, therefore the main substance of the complaint is not upheld.

Firstly, in line with the Board's inquiry for additional information from the panel, the ACC found that the ENQA Board seemed to have the best interests of the agency in mind when they queried the review panel, as the evidence for certain standards seemed to indicate a different outcome than the judgement of the panel. Furthermore, the ACC emphasised that the process of verification of information is carried out by ENQA through an expert review panel and not the Board itself. ENQA's Rules of Procedure namely state that the Board may

request the agency or the review panel to provide further explanation. The ENQA Board chose the review panel on this occasion (as is a standard practice) and reserves the right to decide on this matter.

Secondly, the ACC noted that documents and legal amendments that occur beyond the site visit timeframe cannot be admitted to the process for consideration. The ACC acknowledges the fact that this is very frustrating for agencies under review, but it is a well understood and rigidly applied rule in the interests of fairness and consistency across all ENQA Agency Reviews. In this instance the matter appeared to be within the control of the agency.

Regarding the AHPGS registry on EQAR, the ACC noted it is unfortunate that the clarification process by the ENQA Board caused delay to a subsequent process of the AHPGS registration, but at the same time the ACC adds that the ENQA Board needed more information and subsequently needed to meet in order to make their decision. ENQA has a separate independent review process to that of EQAR registration and it is therefore a matter for the ENQA Board to conclude on the process of its own procedures and evaluation and ensure it can come to a clear, consistent and objective outcome for the agency under review. The ACC added that the agency triggered its own review by application to ENQA and indicating that a site visit should take place in December 2018. Therefore, each agency is in control of its timetable.

However, the ACC considered that ENQA could have provided more communication to the agency on the timing of the decision-making process overall and could have acknowledged the delay to the agency much earlier. The ACC recommends that the ENQA Board and the Secretariat look closely at the communication policy or communication approach to the review of all agencies.

To summarise, the ACC concluded in its report that overall and in accordance with the ENQA review criteria, the decision on the AHPGS membership in ENQA should remain the same – ENQA membership cannot be renewed due to insufficient overall level of compliance of the agency with the ESG.