



# Progress Report 2014



## Introduction

The Progress report from 2013, which was forwarded to ENQA in February 2014, defined a range of initiatives to enhance ANECA's independence. Below, we have explained the results of the implementation of these initiatives.

## Enhancement initiatives

### Standard 3.6

#### INDEPENDENCE

#### The Review Panel considers that:

*“ANECA should reconsider the composition of the Board of Trustees with regard to ensuring both an appropriate level of independence and the representation of all stakeholders.”*

*“It is again recommended that the appointment of a Chair of the Board of Trustees independent of the Ministry would support the expected level of autonomous responsibility.”*

*“ANECA should ensure that the student representatives in the Board of Trustees are appointed by a representative body that has no formal or de facto external political involvement.”*

ANECA's independence from institutions of higher education and the government is safeguarded by virtue of the law that provided for its creation (Title V of the explanatory memorandum and Art.32.2 of the LOMLOU). In particular, ANECA's operational independence in the assessment decisions it makes is evident in the functioning and composition of the assessment panels and committees that are never under the influence of any university or public institution in the field of higher education.

#### **Formal Independence (External)**

In Spain the legal tradition concerning administrative configuration, establishes that the public organisations related to the governments (both at the national and regional level) are directly related to the ministry which funds it (Ministerio de Educación), as well as to the body in charge of the national budget (Ministerio de Economía y Hacienda) and the body which defines and organises the human resources of the public sector (Ministerio de Política Territorial y Administración

Pública). Usually, within the Spanish administrative organization the undersecretary of state (Subsecretario) is the person in charge of these issues in the different ministries.

Furthermore, the Board of Trustees includes representatives of the other ministries with competences in specific fields of higher education or research (Ministerio de Sanidad and Ministerio de Ciencia e Investigación) to be sure that competences related to research made by universities or particular competences related to health sciences are also taken into account by the Agency.

Therefore, this governmental representation could also be considered from a strict accountability viewpoint for an Agency which spends public money.

The changes introduced in ANECA's regulations in the 20th meeting of the Board of Trustees held on 11th May 2011 concerning the composition of the members of the Board of Trustees and their selection and appointment processes reinforce the independence of ANECA.

On the other hand, with a view to strengthening this independence, in 2013 ANECA submitted to the ministry the findings gathered during the 2012 visit and the progress report sent to ENQA in 2014, in regard to improving the independence of the agency.

*In addition, ANECA's objectives and functions were clearly defined in the 2013-2016 strategic plan, where the requirement of independence is reflected in its Vision.*

*Vision*

*Be recognized as a benchmark of good practices, at national and international level, in the field of quality assurance of higher education systems, performing its mission in accordance with the principles of **independence**, objectivity and transparency, and with European standards of quality; all with a clear orientation of service to society in general.*

*In addition, one of the key values that stand out in the strategic plan is precisely its independence, objectivity and transparency in management. This vision and these values are the bases for the planning of ANECA activities for the 2013 to 2016 period.*

ANECA also performs a meta-evaluation of all its programmes on a regular basis to check the adaptation of the programmes to European standards and, more specifically, *to review compliance with the requirement of independence in its assessments.*

The Ministry has taken this requirement into account and, consequently, has organised discussions to work on changes in the agency that would make its independence more visible. Finally, an agreement to change the legal nature of the agency has been reached. This change does not affect its daily operations but implies changes in the organisation of its governing and management bodies that will contribute to clarifying and strengthening its independence in the assessment activities it performs.

ANECA considers that the writing of the new statutes is a significant opportunity to include the proposal of the review report concerning the enhancement of the formal independence of the Agency.

The Director of ANECA has taken part in the consultancy process of the new statutes in order to identify the most important elements regarding the formal independence of the Agency, which the new version should include according to the statements of both the review report and the Board of ENQA.

The Ministry is preparing the final version of the new statutes after the consultation process with all the relevant stakeholders involved in higher education in Spain, which ranges a wide range of instances and bodies such as:

- The ministries with competences in higher education
- The ministries involved in finance and human resources issues
- The rectors of the Spanish universities represented within the University Council
- The Regional Ministries of Education Conference which is in charge of the coordination policies of higher education at the national level
- The student unions represented in the National Student Council
- The Academic Staff Unions
- The confederation of Spanish Employers (CEOE)

- The conference of Social Councils of the public universities, which include the representatives of society at large within the public universities
- The representatives of the Economic and Social Council of Spain where different stakeholders from various social and economic environments are represented
- Finally and by means of different channels of communication, a number of associations and professional bodies with responsibilities for the professional activities of certain graduates (medicine, nursery, engineering, etc.)

ANECA considers that this is a unique opportunity to highlight the needs to show a better understanding of the formalities of independence from the comments derived from the review report and the Board of ENQA letter.

## **Conclusion.**

ANECA has shown throughout the thirteen years since its creation that it has the capacity to accomplish changes internally to strengthen the mechanisms of independence. This efforts have been focused on the definition of its procedures and the performance of its experts and in the decision making process. But they deal also with the relationship with its stakeholders in general and the Ministry in particular.

The flexible nature of the Agency has allowed it to react quickly in the adaptation of its processes to the needs of the Spanish university system and the requirements coming from the European Higher Education Area.

Nevertheless, the proposal for enhancement raised by the review panel deals with issues related to the organization of the Agency at the level of its statutes which are clearly within the responsibilities of the Board of Trustees and the Ministry of Education, Culture and Sports.

The initiatives undertaken by the Board of Directors of ANECA to strengthen independence from the Ministry and the Board of Trustees and the daily evaluation activities of the Agency and the work of the committees have been accomplished throughout the development of the Agency duties.

The Board of Trustees has encouraged a number of changes in the statutes concerning the composition of the Board of Trustees since the first external review

coordinated by ENQA in 2007, which were accepted by the Board of Trustees and the Ministry and resulted in a more balanced participation of representatives of the ministries with competences in higher education and the stakeholders.

With the writing and further approval of ANECA's new statutes, the Board of Directors of ANECA considers that a unique opportunity for the strengthening of the formal independence is opened to meet the review report conclusions and the letter of the Board of ENQA.

ANECA, through its Director, has submitted a proposal with the necessary changes in the composition of the Board of Trustees of the Agency and its chair position in that direction, emphasizing that this proposal is aligned with the tradition of the Spanish public administration towards accountability and with the Criterion of independence as stated in the European Standards and Guidelines and has been interpreted in the review report and in the letter of the Board of ENQA after the 2012 review.

Therefore, the Director of ANECA wishes to ask the Board of ENQA to inform about the key elements that the new statutes of ANECA should include in terms of formal independence concerning the governing bodies of the agency and its chairperson. This document could be conveyed to the Secretary General of Universities of the Ministry of Education to be taken into account in the final version of the statutes to ensure that the new organisation will meet the expectations of the European Standards and Guidelines in terms of formal independence.

This proposal is made in the understanding that, after two external reviews coordinated by ENQA and 13 years of evaluation activity of ANECA in Spain as an active partner within Europe, it is a political issue that has to be challenged at the political level of the Ministry of Education of Spain by the political actor that represents the quality assurance agencies in the European Higher Education Area.

The Director of ANECA would be very pleased to make the necessary contacts to favour this meeting should the Board of ENQA consider this option.

Madrid, 2<sup>nd</sup> March 2015