Does seeking legitimacy through collaboration influence quality assurance practices? – A case study of a private sector collaboration

in the UK higher education sector

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Abstract

The past two decades have seen an increase in the incidence of private sector providers entering the higher education sector in the UK, which has raised concerns over the quality of provision and whether the quality assurance regime is rigorous enough to ensure the quality of private provision. Collaboration between universities and private providers is one of the ways in which private for-profit organisations contribute to higher education provision in the UK. For a private sector organisation to operate successfully in the sector it needs to gain legitimacy. This paper, therefore investigates the case of a private for-profit organisation that has a collaboration with three UK universities. The lens of institutional theory and legitimacy has been utilised to explain the influence that the collaboration had on the shaping of the quality assurance practices in the private provider.

Key words: Private provider; higher education; collaboration; quality assurance; institutional theory; legitimacy.

Introduction and context

The Higher Education sector has seen significant changes in the past two decades, not least the changing focus from public good to private economic good (Marginson, 2007; Brown, 2013) . This is not confined to the United Kingdom, but is evident in many economies where Governments have shifted funding regimes from the state to the institutions, and ultimately to individual students (Meek, 2000; Varghese, 2004; Ward, 2007). Government policies are increasingly treating and using higher education as a contributor to the economic prosperity of the country (Jacob & Hellstrom, 2003; Nelles & Vorley, 2010). As a result there has been a move away from elite education towards mass education systems through widening participation schemes (Hayhoe, 1995; Wang, 2003; Kember, 2010;). In order to respond to these changes many higher education institutions have adopted a more managerial approach to management (Turnbull & Edwards, 2005; Eckel, 2007; Floyd, 2007) and private sector organisations have therefore been attracted into the sector (Middlehurst & Fielden, 2010).

In some countries the sector has seen significant structural changes with higher education providers becoming more diversified as the number of private sector institutions entering the sector has grown (Kember, 2010). Whilst "countries such as the USA, Japan and Chile have well-established private sectors of higher education, such provision has grown in virtually all the major regions of the world over the last decade, including Africa, the Middle East and the central and eastern European countries" (King, 2009, p.1). This growth in the private sector provision has to an extent been fuelled by a reframing of the regulatory environment from explicit controls to a more hands-off approach controlled via monitoring mechanisms and accountability (Varghese, 2004).

The private sector contributes in a variety of ways to higher education. Middlehurst & Fielden (2010, p.13) identified a range of functions provided by the private sector which include: offering own degrees; joint provision; contributing course materials; contracted tutorial services; specialist assessment services; and provision of professional development. Their report highlights a trend, also supported by King (2009) and Baines & Chiarelott (2010), that the private organisations are playing an increasing role in the sector often via collaboration with an established university. This report identified that approximately 60% of UK universities surveyed were involved in collaborative arrangements with private sector organisations. The increasing role of private sector providers has attracted some criticism ranging from concerns over quality standards (Hunt, 2010; Brown, 2013), to the cherry picking of high demand subject areas which are vocational in nature (Ward, 2007). In recent years the reputation of the private sector providers has not been helped by the so called 'degree mills' that "offer credentials based on little study or engagement in higher education activity" (CHEA, 2009, p.1) and the badge hunters: those organisations that have some limited contact with established universities and use the association to gain an air of legitimacy to recruit students to their own programmes. There are, however, some recognised benefits provided by the participation of private sector organisations such as the fact that they tend to be more teaching focused (Floyd, 2007; Kwiek, 2008) and not tied to the academic tradition of: two or three teaching terms; followed by an assessment period; followed by summer break, enabling a more flexible approach to be taken to the provision of courses, thus providing "more flexibility in entry routes and modes of study" (QAA, 2010, p.3).

This paper reviews, therefore, the literature relating to collaboration and legitimacy within institutional theory and explains the research methodology. The nature of the collaboration is then outlined and is followed by an explanation/exploration of how the Code of Practice governing collaborations and the fact that the private provider was seeking taught degree awarding powers in its own right, influenced the development of the quality assurance practices within the organisation. In a sector where the reputation of the awarding institution has an impact on the value of a degree the private sector organisations gain an element of legitimacy by working in collaboration with established universities.

Collaboration leading to legitimacy

There is a presumption that collaboration will benefit both parties and that each party has something to bring to the collaboration (May & Winter, 2007). Often the presumption is that collaboration will enhance the service provision in some way by improving efficiency levels, achieving cost reductions, enhancing flexibility or the fostering of innovation. However, Agranoff & McGuire (2003) suggest that the parties involved are not always helpful to one another. The success of the collaboration is based on a building of trust but if managed badly could result in conflict which negates any perceived benefits. It is therefore important to realise that each party has something to bring, and hence something at stake when entering into a collaborative undertaking, whether those stakes are of an ethereal nature such as reputation, or more substantive such as resources, or a change in status such as giving up autonomy or control (Bardach, 1998). The challenge is to ensure that the short term interests of any one partner do not undermine the broader policy objectives of the collaboration (Milward & Provan, 2000). A healthy collaboration could be seen as one in which the managers are actively involved and supportive of the relationship (May & Winter, 2007).

Authors point to the fact that indirect benefits may accrue to the private organisations in a partnership arrangement with a public sector or state sector institution (Baum & Oliver, 1991; Peng, Seung-Hyun & Wang, 2005; Dacin, Oliver & Roy, 2007) and that the incidence of these can be a key element in the success of the collaboration. Among the indirect benefits highlighted are expanded business scope and enhanced legitimacy. For a private sector institution operating in the higher education sector legitimacy is an important factor, not just in the process of recruiting students, but also in attracting established university partners with which to collaborate. The private sector organisation is able to capture not only a financially lucrative business opportunity, but also to benefit from reputation by association, and thus gain legitimacy within the sector. Kivleniece & Quelin (2012, p.259) identified that, "… private players entering an industry of traditionally strong public sector competence, such as education or social care, are increasingly likely to engage in integration partnership forms, at least initially, to enhance learning and acquisition of intangible, organizationally embedded skills and routines". Meyer, Scott & Deal (1983) suggest that in complex and regulated environments, such as found in the education sector, organisations are naturally driven to adopt the practices and procedures of established players even if they create operational inefficiencies (Meyer & Rowan, 1978). It is suggested that this process, referred to as institutionalisation, works to produce a common understanding about what is acceptable behaviour within the sector (Zucker, 1987). DiMaggio & Powell (1983, p.148) describe this as a consequence of two factors: "firstly the emergence and structuration of an organisational field as a result of the activities of a diverse set of organisations; and, second, the homogenisation of these organisations, and of new entrants, once the field is established". DiMaggio & Powell argued that the concept that best captures the process of homogenisation is isomorphism. Meyer & Rowan (1977, pp.348-349) suggest that, "isomorphism with environmental institutions has some crucial consequences for organisations: (a) they incorporate elements which are legitimated externally, rather than in terms of efficiency; (b) they employ external or ceremonial assessment criteria to define the value of structural elements; and (c) dependence on externally fixed institutions reduces turbulence and maintains stability. As a result, ….. institutional isomorphism promotes the success and survival of organisations". Thus the players gain legitimacy within the sector. To support this newer organisations adopt the language, organisational labels and goals of the established institutions (Blum & McHugh 1971). This suggests to some extent that isomorphism can be the result of intentional actions to gain legitimacy. However, Aurini (2006) suggests that when private sector organisations possess other means of demonstrating legitimacy, such as high pass rates and high levels of student support and nurturing, they are able to deviate from the institutional norms. They are able to use the symbols of legitimacy to appeal to selected audiences. The success of these organisations suggests there could be an erosion of traditional institutional norms which creates an enhanced opportunity for greater heterogeneity in the sector (Huisman & Morphew, 1998). Perhaps of note here is the fact that Kember (2010) reported an increase in diversity of higher education providers in Hong Kong and also the US as a result of private sector involvement. There are, however, implications for private sector institutions seeking collaborative partnerships in that legitimacy is quickly achieved if industry standards are adopted (Meyer & Rowan, 1991).

There are two views of legitimacy that emerge from the literature. First, the institutional tradition that emphasises the view of the structuration dynamics and isomorphic forces that operate at an industry sector level (DiMaggio & Powell, 1983; Meyer & Scott, 1983; Zucker, 1987; Meyer & Rowan, 1991; Powell & DiMaggio, 1991). In uncertain environments it is often easiest for managers seeking legitimacy simply to adopt the pre-existing norms and values. By mimicking the most prominent entities in the field they pursue a strategy of taken-for-grantedness via mimetic isomorphism (DiMaggio & Powell, 1983; Tolbert & Zucker, 1983). Conforming in such a way means they pose few challenges to the institutional regime and therefore acceptance is achieved with little problem (Meyer & Rowan, 1991). Suchman (1995) suggests that when organisations gain pragmatic and moral legitimacy by complying with instrumental demands and altruistic ideals respectively, they also gain a degree of cognitive legitimacy.

The second view takes a strategic perspective and focuses on the institution and the way organisations utilise the symbols and norms of the industry to gain societal support (Ashforth & Gibbs, 1990; Dowling & Pfeffer, 1975; Pfeffer, 1981; Pfeffer & Salancik, 1978). The two views differ in the degree to which organisations are seen to take conscious decisions to adopt the norms and procedures of the industry. Dowling & Pfeffer (1975) suggest that organisations actively adopt legitimacy-building strategies. These involve: seeking the approval of existing audiences within the industry; selecting to seek approval of specific audiences; or attempting to create new audiences and forms of legitimation. These strategies require a mix of organisational change and persuasive communication strategies that Oliver (1991) suggests form a continuum from passive conformity to active manipulation. However, not all clusters identified by Dowling & Pfeffer (1975) are open to organisations. The choice of strategy may be limited by practicalities and organisations do still retain some discretion due to the fact that isomorphic pressure is multifaceted (Tolbert, 1985) indicating that the process is not that of unconscious adaptation or pure opportunism: rather it is a purposive decision with a strong strategic and long-term emphasis. Meyer & Rowan (1977) suggested that organisations can be active in 'window-dressing', i.e. develop 'double-standards' to deal with the mixed expectations of various audiences. A counter argument would suggest that with the deployment of an external quality assurance regime and increased accountability it is difficult to maintain such deception in the long run. Stensaker & Norgard (2001) also provide support for this argument in that the suggestion that organisations are deliberately cheating via a superficial display of symbolic norms and practices establishes a quite negative view of organisations. A note of caution was sounded by Ashforth & Gibbs (1990) who suggested that organisations, having gained legitimacy, are in danger of relaxing their vigilance and being content with 'business-as-usual' resulting in missing a change in audience response and losing their claims to legitimacy.

Research methodology

Interest in the research project was stimulated by the criticisms of private sector education providers and in particular the maintenance of quality standards (Tapper & Slater, 1998; Ward, 2007; Marks, 2008; Hunt, 2010). There has also been criticism of the quality assurance regimes in place to control private sector providers, suggesting that they are not as rigorous as for established universities (UUK, 2010;

Middlehurst & Fielden, 2010; Tatlow, 2010). The Quality Assurance Agency (QAA), the organisation whose "job it is to safeguard quality and standards in UK universities and colleges" (QAA, 2014), identified between 2007 and 2010 several universities that were not managing their collaborative partners closely enough, some of whom where private providers. The QAA (2010) states that it is the universities responsibility to manage their collaborative partners effectively. Aurini, (2006) suggests that legitimacy is a key driver for success of the private sector providers in higher education and Dacin et al. (2007) identifies that for the private sector provider, gaining legitimacy is a key output of collaborative arrangements. The research project therefore explores whether the act of seeking legitimacy via collaborations in the higher education sector influenced the quality assurance practices of private sector providers. An opportunity arose to study this via a case study research strategy, which facilities the exploration of a particular phenomenon in a real life situation in order to gain a better understanding of the phenomenon (Yin, 2003). The opportunity to adopt a single case explanatory-exploratory methodology to investigate this particular issue (Stake, 1995) using a longitudinal study enabled the framing of the research question as: Does the act of seeking legitimacy through collaborations influence the quality assurance practices adopted by a private sector higher education provider?

Cohen, Manion & Morrison (2000, p.181) state that "Case studies can establish cause and effect, indeed one of their strengths is that they observe effects in real contexts, recognising that context is a powerful determinant of both causes and effects. ……… Further contexts are unique and dynamic, hence case studies investigate and report the complex dynamic and unfolding interactions of events, human relationships and other factors in a unique instance". The unique instance here is that the case organisation was preparing to apply for taught degree awarding powers (tDAP) in its own right and wished to use existing collaborations with established universities to provide the evidence base for its application. The organisation therefore had a specific interest in gaining legitimacy within the sector.

The research opportunity was facilitated further by the fact that the researcher was employed by the case organisation for a period of 18 months to assist with the tDAP application process. This allowed the researcher to observe the decisions and their effects in a real context and, by being part of the decision-making body, to gain insight from reflection, not just about the cause and effect, but as Cohen et al. (2000) suggest, recognising that the context is a powerful determinate of both the cause and effect and thus the participant observer is in a unique position to more fully understand the context. It was possible to gather data over a period of time thus adding to the study by providing an unbroken chronology of events for analysis, enabling the researcher to report a blend of description and analysis (Hitchcock & Hughes, 1995; Yin 2003). The variety of evidence that could be collected (documents, artefacts, interviews, conversations and observations) was much greater and richer than could be collected via other means open to the researcher. This assists in negating the criticism of a lack of rigour in the case study approach, in that, a richness of data is available from a "variety of sources allowing triangulation of data to improve the validity and enhance the academic rigour of the study" (Yin, 2003, p.99). In this respect Bryman & Bell (2003, p.56) comment that, "case study researchers tend to argue that they aim to generate an intensive examination of a single case, in relation to which they then engage in a theoretical analysis". The mode of generalisation referred to here is "analytic generalisation in which a previously developed theory is used as a template with which to compare the empirical results of the case study" (Yin, 2003, p.28). The analysis has therefore been conducted with reference to legitimacy building and institutional theory as a means of providing a theoretical framework in which to understanding the situation more fully.

Concerns of participant observation are recognised in that there is the strong potential for bias to be present in the interpretation of findings. As Somekh (1995, p.342) suggests: ".. it is impossible to draw the line between data which have been collected as part of the research and data which have been collected as part of the job." The richness, however, of the experience and the understanding of the rationale behind decisions and actions can add to the level of insight that can be drawn from the analysis of such data. The researcher had access to internal documentation, both historical and current (to the period of the study), such as: minutes of meetings; external examiner reports; reports written to and received from collaborative partners; general correspondence between the private sector organisation and the collaborative partners. The organisation has given consent for the information to be used within the research study so long as anonymity is preserved. External data was available such as information publicly available on websites of collaborative partners, reports and codes of practice from the QAA. Artefacts used internally such as planning spreadsheets, PowerPoint presentations and flipcharts were available as part of the job and also utilised as data in the research. Also numerous interviews and conversations with the Collaborative Provision Managers, Quality Assurance staff, academics and managers of the collaborative partners have been utilised as well as interactions with the private institutions staff, all with their permission. The data has been analysed and interpreted using a thematic approach (Ritchie, Spencer & O'Connor, 2003) with reference to the theoretical framework of legitimacy and institutional theory in order to understand whether the act of seeking legitimacy influenced the quality assurance practices of the private sector provider.

As indicated earlier the researcher was in the employment of the private sector organisation during the 18 months of the study and the data was collected with the full knowledge of the organisation's management and staff that it was the intention to undertake a research study into the quality management issues associated with private sector higher education providers. Similarly the collaborative partners were made aware of the researcher's interest and data captured with their approval. However, in order to provide some protection for the organisations involved the private sector organisation has been referred to as PrivateCo and the partner universities are referred to simply as University A, University B, and University C.

The nature of the collaborative arrangement

The case study organisation is a private sector for-profit company that is in collaborative partnerships with three UK universities. The senior management were considering applying for taught degree awarding powers (tDAP) in their own right, which provided the opportunity to explore the question of whether seeking legitimacy aids the maintenance of quality standards. The rationale for applying for tDAP was not to abandon collaborations but to strengthen the collaboration via joint degree programmes. The CEO had also identified that overseas institutions were more likely to work with an UK institution if it held tDAP in its own right. The tDAP was therefore seen by the Board of Directors as a means of strengthening further its legitimacy within the sector.

The QAA suggest that a good foundation for applying for tDAP is to gain experience of higher education provision via partnering with established universities (Pitcher, 2011). This provides the track record and evidence that the organisation is capable of providing education to industry standards. The organisation gains experience and knowledge of the expected norms of the sector (Meyer & Rowan, 1978) and thus gains a degree of legitimacy (Dacin et al., 2007). In 2004 a change in the criteria for holding tDAP allowed non-publicly funded organisations to apply (QAA, 2004). The application is evidence based and the applying organisation submits itself to a period of scrutiny by the QAA, who then recommend to the Privy Council, a formal body of advisers to the head of state and the body that ultimately sanctions the award, whether the organisation is fit to hold degree awarding powers.

The partner universities are what could be described as post 1992 universities in that prior to the Further and Higher Education Act 1992 they operated as polytechnics or colleges of higher education. There were two specific reasons for seeking post 1992 universities as partners: firstly, they were more likely to work with a teaching led private sector organisation and in the words of the Chief Executive, "They are not so snobbish in their attitude to the private sector"; and secondly they were managed in a more business-like manner than the pre 1992 universities, partly due to the governance structure that UK polytechnics had been obliged to adopt (Dearlove, 1998). This final point, according to the Chief Executive, "makes them easier to do business with".

The PrivateCo had, over a period of fourteen years, built up a portfolio of undergraduate and postgraduate programmes in business related subjects that it offered with the three university partners. The universities were working with other collaborative partners, both nationally and internationally. The number of collaborations were: University A, 24; University B, 36; and University C, 44. Thus the universities were experienced at operating collaborative arrangements and saw the distinct benefits of collaborative provision, both financially to the university via validation and franchise fees, and also strategic via the increased opportunities to students in terms of flexible start dates and condensed provision, which was more difficult to achieve for a university given the strong traditions of the academic year. PrivateCo had over 5,000 full-time students of which 70% were recruited onto University A programmes, 20% University B and 10% University C. , via a mix of validated and franchised programmes.

"The ultimate goal of any partnership is to create a synergistic environment in which the individual weaknesses of each partner are compensated by the strengths of the remaining partners, creating a state of mutual dependency and accountability to one another", (Anderson, Michael & Peirce, 2012, p.3). Universities can find themselves caught between providing high quality tuition, undertaking research and engaging with the wider community and third stream revenue generation that they are in danger of spreading themselves too thinly. The more focused strategy of PrivateCo gives them an edge in certain markets (Baines & Chiarelott, 2010). PrivateCo was able to market its courses to overseas students in a wide range of countries whereas the universities tended to focus their attention on what they saw as being a few key volume markets. Also PrivateCo developed its alumni network into an effective method of recruitment of overseas students by adding a high degree of personal recommendation to the normal marketing activities of universities. Baines & Chiarelott (2010, p.156) noted, "Theoretically, the university makes money on thousands of new students who never would have enrolled without the marketing intervention of the corporation".

Another key factor in recruiting student numbers owing to its high contact time and intensive tuition approach PrivateCo was able to recruit students onto its programmes at the lower end of the entry requirements required by the university. Students would typically undertake the equivalent of years one and two of an undergraduate programme, or terms one and two of a postgraduate programme, as a student of PrivateCo and then be formally transferred and enrolled to the University programme for the final year or final term, which was also delivered by PrivateCo. This effectively meant that PrivateCo acted as an access institution for the university partners. This articulation model of operation served two purposes: it increased the opportunities for students to undertake a UK higher education degree programme; and secondly, it limited the risk associated with student recruitment for the university, as students who were accepted on to the university programme in the final year were highly likely to finish the programme successfully owing to the higher levels of support that PrivateCo was able to provide. The level of support offered to students in the early part of the degree programme translated into high pass rates, and ultimately a similar profile of degree classifications to that of the partner universities. Sufficient data on the universities learning and teaching strategy and levels of student support is not available to make a meaningful comment on the comparability of student success, but the high success rate of PrivateCo aided the recruitment of future students, reinforcing the finding of Aurini (2006) that pass rates can be used as a mark of legitimacy in some markets. The initial risk in the early part of the programme was taken by PrivateCo. Strict controls were in place to ensure that students met the visa requirements and PrivateCo liaised closely with the UK Border Agency, being mindful of the reputation of institutions that recruit heavily from overseas locations. It further enabled the universities to have oversight of the academic quality during the first two years, or terms, of study and more direct control over the final year. The more tangible benefit to the universities was the franchise fees received from PrivateCo. Thus in terms of a successful collaboration the universities brought credibility and name recognition, i.e. a degree of legitimacy; PrivateCo brought flexibility and an ability to provide student-centred tuition in a limited range of subjects.

The role of the Code of Practice in reinforcing the industry standards and norms

The control of collaborative provision is governed to some extent by the QAA Code of Practice for the Assurance of Academic Quality and Standards in Higher Education (QAA, 2010). The criteria for tDAP is also largely based on the Code of Practice and the application process entails applying institutions evidencing how they conform to the criteria. What is interesting is that the QAA scrutiny of applying institutions is undertaken by peers drawn from within the established industry members. It could be argued that in this way it ensures the perpetuation of the industry values and norms by judging new entrants based on established practices; almost an enforced means of isomorphism, i.e. rather than new entrants adopting established practices to ensure survival (DiMaggio & Powell, 1983), new entrants do not get admitted to the tDAP club unless they comply. The Code of Practice relating to collaborative provision was updated and republished in October 2010 following a review prompted by the changing context in which collaborative provision occurred, in that the QAA recognised that "there has been an increase in the types of collaborative activity and diversification of the range of partners with which higher education institutions (HEIs) engage" (QAA, 2010, p.1). The updated Code takes note of the increasing trend towards globalisation of higher education and the growth in the private and for-profit higher education providers.

The Code clearly identifies that it is the University that is responsible for managing the risk of the collaborative venture. However, the Code also recognises that collaborative arrangements will vary and, given the increasing complexity and range of provision, that one size does not fit all, thus leaving some autonomy to the universities as to the exact form of the mechanisms employed to manage collaborative arrangements. The Code merely insists that institutions "need clarity as to the locus of responsibility for the management and oversight of collaborative provision at institutional level and the ways in which accountability for this activity is assured in a consistent manner throughout the institution" (QAA, 2010, p.5). The Code makes it clear that it is the awarding institution's responsible to ensure the academic standards of awards granted in its name and therefore the institution is responsible for managing the collaborative arrangements in a way that is capable of demonstrating that awards granted under a collaborative arrangement "meet the expectations of the UK Academic Infrastructure" (QAA, 2010, p.24).

The Code also states "The awarding institution's policies and procedures should ensure that there are adequate safeguards against financial or other temptations that might compromise academic standards or the quality of learning opportunities" (QAA, 2010, p.28). One of the benefits of collaborative provision is the receipt of franchise fees for the university without the additional costs of provision. Clearly the onus is on the University to undertake sufficient due diligence prior to entering into a collaborative agreement, but in an age of austerity and a shifting of funding from state to institution, the temptation exists to gain the additional income: "While the mania for profitability seems to be antithetical to the altruistic, humanistic roots of higher education, the fiscal realities faced by administrators today have put institutions in survival mode" (Baines & Chiarelott, 2010, p,156). Indeed there have been several instances during the past few years where universities have been criticised by the QAA for a lack of control over its collaborative provision. The implication being that they were managed for financial benefits without adequate control (in the opinion of the QAA) over academic quality. The Code is not explicit in the mechanisms that universities should employ in the management of their collaborative provision, but are clear that the mechanisms should be sufficient to ensure academic standards are maintained. It is perhaps significant that it is a Code and not a regulatory requirement enshrined in law. The validation process that PrivateCo went through with the partner universities essentially tested whether the organisation met the Code of practice for provision of higher education. This was also to form part of the evidence for the application for tDAP. Three new programme validation events took place during the period of the study which demonstrated a rigorous process was in place in each university. This process included a review of curriculum; learning, teaching and assessment strategies; resources including staffing and staff development; quality assurance procedures including administrative procedures; and student support services. The CEO was thus able to defend PrivateCo against criticism of quality standards by reference to the fact that it was subject to the same quality checks as its university partners. However, in the light of QAA reports that not all universities applied the same degree of rigour to its collaborative partners, the need to establish legitimacy for tDAP with the QAA provided an additional incentive to PrivateCo to be in a position to demonstrate adequate levels of quality assurance. The application for tDAP would open up PrivateCo to additional external scrutiny from industry members who did not have a vested interest in approving its procedures, thus adding additional pressure on PrivateCo to demonstrate compliance and hence its legitimacy.

Part of the role of the researcher was to compile the evidence base for the application process. This involved collating historical documents and extensive liaison with the Collaborative and Quality Assurance offices of the partner universities. The aim of this exercise was to support the claim that PrivateCo was capable of maintaining quality standards in line with the industry standards. There was evidence that over a period of time PrivateCo had adopted the format and frequency of reporting, and style of recording meetings and decisions of its university partners. Based on a review of correspondence between the university partners and PrivateCo this was partly due to the insistence of the university quality assurance offices that the practices adopted by the university be replicated within PrivateCo. There were frustrations voiced among the staff of PrivateCo that this was not the most efficient way of working and there was open criticism of the 'overly bureaucratic' practices of the universities as an example. This could be indicative of the power relationship between the collaborative partners, or the willingness of PrivateCo to acquiesce in pursuit of legitimacy. The volume of students recruited to University A programmes, the first and longest association, put PrivateCo in a reasonably strong position as evidenced by negotiations on the financial arrangements between the two partners, and therefore the power relationship was not a significant issue as the arrangement was mutually beneficial. This could be indicative of mimetic isomorphic processes (DiMaggio & Powell, 1983) and the adoption of the language, labels and goals of the industry as a means of appearing legitimate (Blum &

McHugh, 1971). There was also evidence of normative isomorphic tendencies as new staff were recruited from the established universities, again with tDAP and legitimacy in mind, who brought with them expectations of practices and norms to be found in the sector which filtered into the practices of PrivateCo. External examiners were sought and appointed from established universities. As the Head of Quality commented, 'You are judged by who you associate with.' There could be an argument that the outward show of conformance to industry practices was merely 'window dressing' in order to seek legitimacy (Meyer & Rowan, 1977). However, in the early days PrivateCo relied heavily on the partner institutions for support, i.e. they adopted an integrative partnership relationship (Kivleniece & Quelin, 2012) and with the frequency of contact with the university staff it would have been difficult to maintain a 'sham' in the long term (Stensaker & Norgard, 2001). Indeed PrivateCo was aware of the benefits of maintaining close relationships with its university partners as this helped sustain the reputation, enhance legitimacy and ultimately the recruitment of new students.

Separation between academic and management structure

PrivateCo utilised the same academic processes as the universities through the 'normal' committees that formed the academic infrastructure of a higher education institution. As far as the assurance of academic quality was concerned the structure was similar to that of a university, but the management structure resembled the governance of a commercial organisation. This inevitably created a tension between academic quality and financial objectives (Tapper & Slater, 1998; Marks, 2008). As part of preparing the organisation for the tDAP application there was a conscious decision to make a clear separation between the academic structure and commercial structure. New senior posts were created to facilitate this. A Head of Quality, Academic Registrar, Head of Undergraduate Programmes and Head of Postgraduate Programmes and a Dean of Learning and Teaching. These individuals did not sit on the Board of Directors. Decisions of academic quality were made by a newly created Academic Board that could effectively veto a decision made by the Board of Directors for reasons of quality. However, the Chief Executive always maintained that the aim was to provide high quality education to as many students as possible and to do that they needed to be financially secure, thus reconciling the financial aims with the academic quality. Indeed one of the criteria of the universities of a collaborative partner, and for tDAP, is financial viability as there is a risk of the partner, or institution, going out of business leaving the university with the responsibility to ensure that students are able to complete their programme. It could be argued therefore that commercial stability is compatible with quality standards so long as the quality is maintained at a level that satisfies the QAA standards. Based on the minutes of meetings the evidence suggests that the separation of academic and commercial activities and the creation of senior posts within PrivateCo would not have happened had it not been for the increased need to demonstrate conformance to expected norms as part of the tDAP application process. The main concern was to make PrivateCo conform to the expected structure of a university.

Controls within the university partners

The control of the collaborative provision was in the case of each university partner via a senior academic who undertook the role of liaison officer. The universities, due to their experience of collaborative provision each had a department that managed the collaborative provision and a collaborative officer that was in charge of this department. In all cases they worked closely with the quality assurance and academic registrar's office within the university and liaised closely with the universities international office. The provision of programmes by PrivateCo for each university partner was governed by the relevant university regulations. An interesting aspect of higher education is that although there is a Code of Practice and the QAA undertakes an oversight role in terms of academic quality via a periodic institutional review, the outcomes of which are published on the QAA website, there are differences in the way universities operationalise the Code of Practice and in the specific regulations governing its programmes. It was evident from historical records and conversations with both administrative and academic staff that this had caused difficulties and confusion in the past within PrivateCo. Therefore they took the decision to use the application for tDAP as an opportunity to review their own general and academic regulations (GARs). These were effectively revised so that they would be acceptable to all parties and that could be implemented with minimal impact on PrivateCo, i.e. they were revised on a consensus basis (Tolbert, 1985). A senior member of the registry team commented, "We developed the GARs pretty much based on what we could get away with from the partner universities. *[smiles]*. I mean what was acceptable to the partners. What we didn't want to do was create something that was costly to administer. Not that they didn't meet the Code of Practice, but we didn't want to 'go over the top' in terms of being too onerous.'

In relation to the collaborative arrangement the formal contact with each university is indicated in Table 1.

Table 1 – formal contact with university partners

	University A	University B	University C
Academic liaison officer	Regular meetings	Regular meetings	Regular meetings
Collaborative office	Bi monthly meetings	Once a term meeting (3 times per year)	Annual meeting
Quality Assurance office	Frequent contact via e-mail	e-mail contact in preparation for annual review meeting	Irregular contact
International office	Twice a year planning meeting	Irregular contact	Irregular contact
Senior management e.g. Pro Vice Chancellor or VC	Strategy meeting twice a year	Once a year	Irregular contact

The level of contact is concomitant with the proportion of business done with each university. Therefore there is a correlation to the strategic significance of the business for the university as well as for PrivateCo. There is no doubt that PrivateCo and the university benefit financially from the collaboration. The strategy meeting with University A and University B discussed plans for the expansion of the student numbers and set targets for recruitment. This filtered into the financial arrangements. Therefore there is a degree of financial incentive within the negotiated agreement. This is one of the reasons why it is important to monitor the quality standards of the provision. For a private sector organisation there is the potential conflict between the profit motive and the academic quality. For the university there is the temptation to take the fee income and turn a blind eye to quality issues (Tapper & Slater, 1998; Marks, 2008). However, the same reputational risk is associated with both parties that act as a check on undue profiteering. The university has a reputation to protect within the higher education sector and adverse publicity could impact on future student recruitment. Similarly the private sector institution relies on its reputation as a quality provided to recruit overseas students, as well as the good name of the university for reasons of legitimacy, and therefore could not afford to be seen to be providing substandard programmes, notwithstanding the fact that PrivateCo works with three universities and a problem with one would impact on the business levels of the other partners. Therefore it is argued that the reputation risk factor associated with legitimacy within the sector acts as a control mechanism to ensure that quality standards are maintained at an acceptable level.

The review of historical documents as part of building a body of evidence for the application for tDAP revealed that the level of involvement of senior management and other officers increased as the strategic importance of the collaboration increased. Initially all the collaborative agreements were negotiated by the collaborative office with oversight and approval by the senior management and appropriate university committees. In the early days of the collaborations they were managed by the liaison officer with support from the collaborations office or collaborations officer. However, what became evident was that as the volume of students became larger and the strategic significance of the collaboration grew a pattern of more regular contact from a more senior level emerged. This was particularly true of University A where the collaboration was seen as a strategic alliance of significant benefit to the university, and also became more evident in University B as the number of locations from which programmes were offered increased creating the potential for a significantly increased level of students to be recruited onto the programmes. The other aspect that emerged from this review of the historical data is that the level of power that PrivateCo was able to exert in the negotiations concerning fee levels and targets increased as the significance of the alliance increased. This indicates a shift in the power base and in some respects increased the tensions between the academic quality and financial objectives of the collaboration for both parties. As the financial significance for the university increases, so it could be argued the temptation to relax quality standards increases. This was suggested to be the case in several institutional reviews conducted by the QAA between 2007 and 2010 where evidence of a relaxing of the management of collaborative providers was highlighted in their findings. However, the need for legitimacy and the reputational risk within the sector had a positive influence on the maintenance of quality standards, in that the CEO saw the two factors as being inherently linked. A strong collaboration and assurance of quality standards provides legitimacy which enhances reputation and students recruitment.

Conclusion

Evidence suggests that particularly in the early days of the collaborations the university partners had a strong influence over the adoption of specific quality assurance practices within PrivateCo. Whilst both parties to the collaborations benefited (May & Winter, 2007) the balance of power was with the universities as it was their reputation that was at stake (Agranoff & McGuire, 2003). This enabled them to exert their influence over the policies and practices adopted by PrivateCo. This was also driven by the existence of the Code of Practice that seeks to promote quality assurance within the higher education sector and places the responsibility on the university partner to manage the risks of collaboration (QAA, 2010). As the collaboration developed and the degree of trust between the parties increased the relationship became more equal (Bardach, 1998). Also preparing for tDAP, and the need to demonstrate legitimacy within the sector as part of the application, had a positive impact on the adoption of quality assurance practices. The fact that the collaborations could be utilised to demonstrate PrivateCo's ability to maintain quality standards influenced the adoption of industry values and norms as PrivateCo was driven to strengthen its academic infrastructure even further and in the words of the Head of Quality, "to look more like a university than a commercial organisation" in the pursuit of legitimacy. Whilst there were isomorphic forces at work (DiMaggio & Powell, 1977) it could also be argued that the existence of the Code of Practice itself and the criteria for degree awarding powers ensures that new entrants comply with the norms of the sector before they are permitted to enter. This confirms the findings of Meyer et al. (1983) that organisations seeking to enter complex and regulated environments, such as the education sector, are driven to adopt the practices and procedures of the established players. The experience of PrivateCo indicates that opening up the organisation to the QAA institutional review by applying for tDAP, necessitated the adoption of the established values and norms of the sector. Collaborations with established players were used as evidence that it had done so.

The potential implications of the experience of PrivateCo is that if all private sector providers of higher education were subject to the same quality assurance regime as institutions holding tDAP, as opposed to only those imposed by the collaborative partners, there would be the potential for a stronger incentive for private providers to increase quality assurance standards by virtue of seeking to enhance their legitimacy within the sector.

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