

Rosa MJ and Sarrico CS (2012). Quality, Evaluation and Accreditation: from Steering, through Compliance, on to Enhancement and Innovation? In: Amaral A and Neave G (Eds), *Higher Education in Portugal 1974 – 2009. A Nation, a Generation*. Springer: Dordrecht, pp 249-264

This is a draft chapter. The final version is available in Higher Education in Portugal: A Nation, a Generation edited by Guy Neave, Alberto Amaral, published in 2012, Springer Dordrecht  
<https://doi.org/10.1007/978-94-007-2135-7>

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# Quality, Evaluation and Accreditation: from Steering, through Compliance, on to Enhancement and Innovation?

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## Introduction

This chapter describes and analyses the development and evolution of quality mechanisms in Portuguese higher education. In a first section, *The Quality Drift: a legislative account*, it provides an overview of the legislative intent behind setting up a ‘quality’ agenda in higher education. The narrative starts in the *Constitution of the Portuguese Republic 1976*, passed by the Constituent Assembly, in the aftermath of the Revolution April 25<sup>th</sup> 1974. It proceeds on through the first evaluation law of 1994, and ends with the spate of reforms undertaken by the XVII Constitutional Government between the years 2005 and 2009.

A second section develops around the metaphor *From Learning to Walk to Dysfunctional Teenager: 1994 to 2005*. It analyses the first and second cycle of the first bid to evaluate higher education in Portugal at first degree level. This exercise was undertaken according to the terms set out in the 1994 *Higher Education Evaluation Law*. The section closes with the abrupt termination of that evaluative initiative.

The third section, *The Coming of Age: from 2006 to the Present* delves into more recent developments in quality evaluation in Portuguese higher education. This third phase in the dynamic of Quality Evaluation has its point of departure in the decision of the XVII Constitutional Government to commission two studies: a review of the higher education system by the Paris-based Organization for Economic Cooperation and Development (OECD) (OECD, 2007) together with an examination of the quality assurance system by the European Network of Quality Agencies (ENQA) (ENQA, 2006). The publication of these two reports coincided with the end of the evaluation system set up earlier by the Minister. It also marked a major change in the interests represented. The previous system of evaluation lay in the hands of groups representing institutions of higher education. Re-launching the system of quality evaluation, to which accreditation was added, marked a substantial change in the relationship between evaluation and the Evaluated. The task of evaluation was confided to an independent agency, with representatives from both government and higher education.

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<sup>1</sup> Acknowledgments: We would like to thank the following for having discussed with us their experience and knowledge on quality in higher education in Portugal: Alberto Amaral, António de Almeida Costa, Jacinto Jorge Carvalhal, José Veiga Simão, Sérgio Machado dos Santos, and Virgílio Meira Soares.

A fourth section, entitled *What will the Future bring forth: uneventful middle age or ripe old age?*, muses on the possible outcomes the new evaluative regime may bring about. Will its influence turn out to be more hopeful, more positive? Or will it, on the contrary, be more pessimistic and inquisitorial? The chapter closes with some concluding remarks on the general theme it has developed.

### **Quality Drift: a Legislative Account.**

The Portuguese preoccupation with quality in higher education is evident at the highest level and from the very start of the country's return to democracy. Article 76 of the *Constitution of the Portuguese Republic 1976* (VII Constitutional Review, 2005), provided for an "adequate assessment of the quality of education" to offset the degree of autonomy granted to universities. This provision was strengthened further in the *Comprehensive Law on the Education System* of 1986. Specifically, it made mention of quality assurance in higher education (Article 12), as an addition to the general evaluation of the education system (Article 49), and the gathering of educational statistics as part of the instrumentality employed in system steering (Article 51). The need to evaluate the universities was brought up once again in the *Law on Universities Autonomy* of 1988, though the word 'quality' itself was never raised. Two years later, the *Polytechnics Statute and Autonomy Law 1990* also mentioned the need to extend evaluation to the polytechnics. However, only in 1994 with the passing of *Higher Education Evaluation Law*, was the intent of previous Acts finally operationalised. Thus, evaluation and monitoring of quality in all universities and polytechnics, public and private, was broached and the notion of incentives and penalties depending on performance made public. In turn, the Law of 2003 on the *Legal Basis for Development and Quality in Higher Education* reinforced the evaluative element of the earlier *Higher Education Evaluation Law*. By modifying Article 5, it introduced the option of closing down institutions directly in those cases where evaluated performance was found to be deeply wanting. In addition, a rating system, based on the results reported, together with accreditation procedures were added to the instrumentality of quality assurance. That same year also saw institutional performance linked for the first time to institutional funding through Article 4 of the Law setting out the *Basis for the Financing of Higher Education 2003*. Equally significant, the term "educational indicators" figured for the first time in legislation applied to higher education. Funding the Nation's system of higher education was no longer simply a matter of 'educational statistics'.

Four years on in 2007 saw further developments in laying down the conditions, structures and organization of a more rigorous system of evaluation for higher education. The Law setting out the *Legal Basis for the Evaluation of Higher Education* opened the way for founding an Agency to carry out both evaluation and accreditation. Significantly, it was to be independent of both higher education and government. The Agency's mandate was laid out in the Law for the *Creation of the Agency for Assessment and Accreditation of Higher Education 2007*. Having defined the Agency's mandate, the attention of the legislator turned to more broad ranging matters of general reform in higher education. Amongst the torrent of legislation that poured forth from government, was the Law setting out the *Juridical Regime of Higher Education Institutions 2007*. It clarified the roles to be played by the State and by higher education

institutions in the sphere of quality. At system level, the State was responsible for quality evaluation (Article 26). Furthermore, only accredited degrees could be taught (Article 61). At institutional level, however, responsibility for quality assurance lay with the Rector in the case of universities, or the President in other higher education institutions (Article 92). The arrangement assigned the task of 'quality improvement' to universities and polytechnics, acting within their sphere of autonomy. The 'accountability' dimension to quality evaluation remained in the purview of the State, which delegated its responsibility to an independent Agency, entrusted with the technical administration, design, definition and setting up the procedures for gathering the appropriate information, and the processing involved in the evaluation and accreditation of degrees.

### **From Learning to Walk to Dysfunctional Teenager: 1994 to 2005.**

The consensus that came together to create a quality assessment system in Portugal drew on several factors: the drive to extend the degree of autonomy, the questionable quality of a fast-developing private sector, and the gathering momentum in the development of a European level in higher education policy (Rosa, Tavares and Amaral 2006).

In 1991, during the Dutch Presidency of the then European Economic Community (Council 1991), the Council and the Ministers of Education agreed that the Commission should strengthen evaluation in higher education at the European level. Amongst the preliminary initiatives to lay the groundwork for this strategy was a comparative study of evaluation methods employed by Member States. A small number of cooperative pilot projects were commissioned, as was a study of the mechanisms and procedures for strengthening European cooperation. It was, ostensibly, a pragmatic initiative, more akin to a review of experience built up with its accompanying practices already in place.

At that particular juncture in the development of higher education policy in Europe, this was a delicate undertaking. Despite the Gravier Judgement, and despite the interpretation handed down by the European Court of Justice in 1986 that higher education could be construed as essentially vocational and, therefore, had its place in the Communities' Founding Treaties, the notion of a single European model was deeply offensive to individual Member States (Neave, 2003). Aware of such sensitivity, the Dutch Vice-President made very clear in a circular to Member State authorities the eventual problems that might arise from establishing a single, uniform system for quality evaluation across the face of the Community. In Portugal, the Vice-President of the Confederation of European Rector's Conferences hinted to the Portuguese Council of Universities Rectors (CRUP) that to set up a national system for quality evaluation system would be one way to side-track the launching of a European one.

At that moment, the 1988 Law on University Autonomy, though promulgated, had not been fully implemented. The Government had yet to approve the complementary legislation required to implement some of the provisions the law had made. Amongst them figured a Bill, yet to be laid before Parliament, for evaluating and monitoring university performance. The same situation held good for the Law on the status and autonomy of Polytechnics of 1990, which likewise contained provisions for a quality evaluation system to be applied to that sector.

The Rectors' Conference was well aware it was in the interest of public sector universities to have a credible quality evaluation system. Evaluation would provide a clear statement and a guarantee of their quality and particularly so, given the spectacular rise in the numbers of private sector universities. With such considerations in mind, CRUP launched the debate on quality evaluation for Portuguese higher education. In 1992, a seminar was organized at the University of Porto with experts from the Netherlands, France and the United Kingdom who compared their respective national systems of quality assurance. The outcome of this meeting saw the CRUP opting to follow the Dutch system, mainly because of the weight the Dutch placed on quality *improvement*, on their acknowledgement that HEIs themselves should be the main party responsible for quality, and, finally, because of the compatibility of the Dutch model with the 1988 Law on the Autonomy of Universities (Amaral and Rosa 2004).

An experimental phase was introduced with the technical assistance of the Dutch *Vereeniging van de Samenwerkende Nederlands Universiteiten* (VSNU) – the Dutch Universities' Association – and the University of Twente. The quality of degree programs in public universities in Physics, Electrical Engineering, Economics and Portuguese-French Language were externally evaluated. The scheme, beginning in 1993, set out to assess quality through a four-phase model: a self-assessment report by the degree evaluated; an external assessment by a committee of independent experts; a site visit; and a final report by the assessors lodged with the institution thus evaluated. Those evaluated had the opportunity, if they so wished, to express their views of the assessment reached by the outside evaluators. Finally, the end report was published, if need be, together with views of those responsible for the programme under scrutiny. Both were made publicly available on the Internet.

The year following, after negotiation between the CRUP and the Portuguese government, in which the Ministry of Education took account of CRUP's initiatives, the *Higher Education Evaluation Law* of 1994 was passed. It laid down the bases for a Portuguese system of quality evaluation that covered all higher education degrees, including both universities and polytechnics, public and private.

One aspect, of particular relevance and innovative character in the *Higher Education Evaluation Law* lay in Article 14, which provided for further elaboration in the law to be made by decree or by protocol. In effect, and as the Law made plain:

“the rules for the operation of the evaluation system, as well as the general principles for the recognition of the representative entities responsible for the coordination of the external reviews, can be established by the Government in the usual top-down approach by decree-law or can be mutually agreed in a contractual way“ (Santos et al. 2006, 31-32).

Under the terms of this stipulation, the Ministry of Education in 1995 signed a protocol with the Presidents of CRUP and FUP (the Portuguese Universities' Foundation), which recognised the Portuguese Universities Foundation, created in 1993, to be the representative body of public universities and the Catholic University. The protocol also defined the general guidelines the evaluation system was to follow. An Evaluation Council was established as the Foundation's agent responsible for

coordinating the evaluation of public universities. The council was granted scientific and pedagogic autonomy, together with the resources necessary for it to operate.

Thus, by 1996, the system of quality evaluation for Portuguese universities was in place, and the first cycle in the process of evaluating quality was concluded in 1999. It was a significant step in laying down a system to evaluate the quality of higher education, despite the fact that the decree-law creating CNAVES in 1998 (Conselho Nacional de Avaliação do Ensino Superior – National Council for the Evaluation of Higher Education) and organising it, was approved only when the process itself was well under way.

Only public universities together with the Catholic University took part in the first evaluation cycle. Two years after the passage of the *Higher Education Evaluation Law*, the system of external evaluation extended neither to the polytechnics sub-system nor to both sectors of private higher education, although some sporadic efforts had been made in this direction by both sectors to set up their own bodies of evaluation. For their part, public polytechnics, acting through the Coordinating Council of Public Polytechnics (CCISP), undertook the self-evaluation of some study programmes. Between the years 1996 to 1999, 83 self-evaluation reports had been made. But, it was not possible to move further with external reviews, largely because of delay by the Ministry of Education in recognizing the body representing the polytechnic interest. A fact compounded by the Ministry's reticence to finance the process of evaluation (Santos et al. 2006).

Delay in setting up an external quality assessment system for both public polytechnics and private higher education forced the Government in July 1996 to establish a working group to reflect on and monitor the process of evaluation itself (*Setting up the Group for Reflection and Monitoring of the Process of Evaluation of Higher Education Institutions 1996*).

The group, of eleven prominent individuals, chosen by government from the worlds of science, academia and the professions, represented interests in both public and private sectors of higher education. Its remit was to draw up a methodology for evaluating both the polytechnic sub-sector and private higher education. It was also called upon to make recommendations on the type of body to carry out the evaluation of the two sectors. Following up on the group's work, the Ministry of Education presented a set of general principles for defining the legal instruments to extend the scope of the *Higher Education Evaluation Law* (CRUP, 1997). In the document of 1997 entitled the *Normative Development in the Domain of the Evaluation of Higher Education: launching of self-evaluation 1997*, these principles were:

- “The cohesion, harmony and credibility of the evaluation system will be guaranteed through a coordination system integrating:
- a) a first level of coordination for each one of the sub-systems, constituted by
    - a1) an evaluation council for the University higher education;
    - a2) an evaluation council for the Polytechnic higher education;
  - b) a second level of coordination, of a global nature, constituted by a National Council for the Evaluation of Higher Education Institutions.”

These terms received concrete expression with the setting up of *CNAVES* in 1998. *CNAVES* organized the quality evaluation system in Portugal, established the National Council for the Evaluation of Higher Education, together with four evaluation councils, one for each of the sectors in higher education - public university, public polytechnic, private university and private polytechnic. They conducted all external review processes in their sector. In so doing, they appeared to infringe the tenets laid out in the document *Normative Development* that antedated the document *The Creation of CNAVES*. Such infringement led to accusations that the introduction of quality evaluation reflected at one and the same time, both corporative interests and a conflict of interests. The motives behind this onslaught are far from clear. One explanation lies in the degree of distrust between the public and private sectors of higher education, a distrust reflected in the presence of four independent evaluation councils. A situation, delicate in the extreme arose which saw each council bent on showing the particular sector for which it had charge in the best possible light. Such supposed partiality made the composition of external evaluation teams even more fraught, above all when evaluating degrees in the same disciplinary field across both sectors, private and public. From the start, securing agreement on who should be invited on to the external review teams was subject to objection and strife between the evaluation councils representing the public and the private sectors.

Still time is a great healer. Mutual suspicion between public and private higher education fell away, and the issue of who should figure on external evaluation teams became more a matter of consent than dissent. This change in attitude is also explained by the work of conciliation by *CNAVES*.

The *CNAVES* was established as the overall coordinating body in Portugal's system of quality evaluation. Uniformity and cohesion were maintained by that other area of responsibility *CNAVES* discharged, namely, meta-evaluation. *CNAVES* was not directly involved in external evaluation. It laid down general directions, made recommendations and, finally, exercised oversight in approving the external evaluation teams, though these remained subject to the Minister's final approval. With the creation of *CNAVES*, agreements were signed with the Association of the Portuguese Public Polytechnics (*ADISPOR*) in December 1998, and the Portuguese Association of Private Higher Education (*APESP*) in March 1999, recognising both Associations as representing public polytechnics and private institutions, respectively. It was too late for them to join the first cycle of quality evaluation carried out by *FUP*. They took part only in the second cycle of evaluation which ran from 2000 to 2005.

The first evaluation cycle, over the years between 1995 and 1999, may be considered "an experimental phase, as part of a process to build up a sense of belonging and ownership in regard to a quality assurance system widely shared by all the relevant partners" (Santos et al. 2006, 33). Quality improvement, the basic purpose for which evaluation was set up, was more pronounced during the first cycle. Embedding a culture of self-evaluation at the institutional level was the main watchword of the hour, rather than creating rating and ranking systems, or comparing either degrees or establishments. Although each programme's strong and weak points were to be noted, the main purpose was to ensure the programmes' continuous improvement.

Experience gained in the first cycle allowed several changes to be made in the second, when other sectors in higher education joined the evaluation system. Common

procedures and guidelines were laid out. Elements of accountability were introduced progressively, although driven onward by legislation (publication of the *Legal Framework for the Development and Quality in Higher Education 2003*) (Santos et al. 2006).<sup>2</sup>

A major effort was made to increase participation of international experts on evaluation teams, although financial difficulties and the use of Portuguese as the working language placed severe constraints on further internationalising the system of quality evaluation.

Formally, the second evaluation cycle included more items of accountability. The truth is they never worked as planned. Reports were somewhat inconsistent. Most were written in a way that did not permit easy comparison between study programmes, let alone to identify those clearly in default of quality. As Amaral and Rosa (2008, 75) remarked:

“the external reports were in general carefully drafted so that the public in general and the media in particular could not easily draw up league tables and very seldom offered a basis for ministerial decisions leading to the cancellation of study programmes”.

In 2002, an incoming Minister complained publicly that the conclusions of external reports were obscure. He decided the quality system required changing. The *Legal Framework for the Development and Quality in Higher Education* of 2003, accepted by Parliament, set new conditions to the outcomes of assessment and the rating of programmes evaluated. The same Law introduced academic accreditation, which henceforth figured in the remit of those bodies responsible for quality evaluation. The Minister, by imposing an accreditation-type conclusion – a yes or no answer – sought a more expeditious basis for action. The Minister did not remain long in office. The law was never applied and accreditation was quickly forgotten (Amaral and Rosa 2008).

The system of quality evaluation that lasted from 1995 to 2005 was not greatly effective. Some claim that training and preparation of external evaluators was insufficient, which was reflected in very varied external evaluation reports, which lacked balance. Time spent laying out uniform criteria, procedures and processes was not as effective as it should have been. Another problem was excessive cost, especially the amounts paid to external evaluators.

Nevertheless, up to that point, the most telling short-fall of evaluation was its lack of outcome, impact and of visible results. To be credible, evaluation must have consequences visible to society. It must produce results. In the case of the Portuguese system of quality evaluation the results were scarcely visible at all, though the Law on *Higher Education Evaluation* clearly set out the consequences study programmes repeatedly evaluated as “wanting” would find themselves facing. Here two points deserve raising. First, it was not up to CNAVES to decide on the measures to be applied to a study programme negatively assessed. The final decision lay with the Ministry. The truth remains, however, that no Minister ever possessed either the political will or was ready to decide precisely what measures should be meted out to the

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<sup>2</sup> We will return to this issue in greater detail below.



non-performing. Second, even if Ministers had girded up their loins to bring the full weight of the measures the law defined in such cases, it would have been arduous - though perhaps not impossible - to seek out peccant programmes by reading the reports of external evaluators. Whilst from 2003 onwards, review panels were asked to rate fourteen “fields of appraisal” on a five point scale from A (excellent) to E (negative), reports remained inconclusive. They seldom made unequivocal recommendations to the Minister (Amaral and Rosa 2008).

Finally, it is worth pointing out that even the improvements in quality that took place in higher education institutions as a direct consequence of the evaluation system (Rosa, Tavares and Amaral 2006) have been less than fully visible because the CNAVES never pushed forward with real follow-up to the external evaluation. Nor, was CNAVES explicitly given that task.

At long last, in 2005, the new XVII Constitutional Government opened a new phase for quality assurance in Portuguese higher education.

In 1994, the system was engaged in learning the first steps in quality assurance. Good will abounded and perhaps some naivety as well about the political tensions such a process would throw up. Over the years that ensued, the evaluation system came to resemble a dysfunctional teenager, trying – unsuccessfully – to find its self. Should quality evaluation be a formative exercise, with emphasis on quality improvement or should it be a summative exercise, with emphasis on accountability? All in all, the salient feature of the first phase in the drive to quality assurance in Portugal was the emergence of trust amongst its principle actors and the wish to join together with the purpose of bringing a valid solution to ‘quality problems’ (Sarrico and Rosa 2008). The second phase, however, saw the erosion of that trust, as the next section makes abundantly clear.

### **Coming of Age: from 2006 to the Present.**

2006 was the year, which ushered in a new phase in the unfolding saga of quality assurance in Portugal. This second phase may briefly be characterised as the development of a new evaluation scheme that reflected the ‘fashion mode of accreditation’, chosen not on the evidence that it will work better in terms of improving the quality of universities and polytechnics, but simply because it looks more attractive, from a political perspective (Sarrico and Rosa 2008).

In 2005, ENQA was commissioned to do a review of the national accreditation and quality assurance practices and of CNAVES. The report was to make recommendations to both CNAVES and to the Ministry on academic and management structures for implementing appropriate practical measures for quality assurance and accreditation. ENQA was also asked to provide recommendations for the establishment of a national accreditation system within the framework of European Standards and Guidelines (ESG) for quality assurance, adopted at the 2005 Bergen Conference of European Ministers responsible for Higher Education (ENQA, 2005). CNAVES was asked by the Minister to make the final report public and to organise public debate around it (Amaral and Rosa 2008). At the same time, the government encouraged and financially underwrote the participation of Portuguese universities and polytechnics –

both public and private – in the Institutional Evaluation Programme of the European Universities Association (EUA/IEP).)

As ENQA's review moved forward, the government announced that the current quality assurance system would be dismantled. It would be replaced by a new accreditation system in early 2007. Although this represented a significant change to the initial review exercise confided to ENQA, the ENQA review panel did not consider it "to imply any changes to the already agreed terms of reference for the review" (ENQA 2006, 14). This provoked CNAVES into making a very tart comment indeed on ENQA's stance:

... a change in the terms of reference was accepted by the panel in the middle of the process, as a consequence of the formal decision of the government to extinguish the quality assurance system under assessment without waiting for the results of the review. The nature of the exercise became unavoidably much different. (CNAVES 2006, 3)

Despite strong objection from CNAVES, ENQA's final report, when viewed from a distance, is broadly fair and adequate. Leaving aside successive blunders in the process (Amaral and Rosa 2008), which culminated in the inadmissible final – and intolerable – episode of failing to circulate the report to the institution assessed and only to do so prior to its unveiling to the press, the possibility remained that negative reactions could be played down and a more dispassionate reception made possible thereby. The ENQA panel recognised that the Portuguese model fitted the purpose for which it was first established. It graciously acknowledged that the Portuguese model had "accumulated a number of positive experiences that should be considered carried over into a new quality assurance system" (ENQA 2006, 6). The major strengths of the Portuguese model, ENQA opined, lay in its contribution to establishing a culture of self-evaluation, in its methodological model, which, in many aspects, complied with the ESG, and, finally, its comprehensiveness: it included all universities and all polytechnics. Amongst its major weaknesses were an apparently limited independence, which reflected the strong role exerted by institutions of higher education through their representative bodies, insufficient operational efficiency and consistency, primarily limited by staff resources, inefficient training of reviewer teams, inconsistencies in reporting, etc. To which were added a low level of international engagement, but, above all, a grave lack of measures having both consequence and impact (ENQA 2006).

The ENQA panel also noted that CNAVES already planned a third evaluation cycle where major shortcomings were to be corrected. In fact, CNAVES planned to launch a third evaluation cycle by the closing months of 2005. It would be based not on assessing degree programs but take the form of a departmental evaluation – that is, a functional evaluation that would take each department's teaching staff, degree programs, graduates, research and resources, into account. The guidelines for this third evaluatory exercise had already been made public.

Dismantling the quality evaluation system in place until 2005 was due in part to the general view that it had not been greatly effective nor indeed overly consequent. Other pressures came to bear, this time from European developments. As the agency responsible for running the evaluation system in Portugal, CNAVES did not meet the conditions required to be accepted on the European Register of Quality Agencies that

had been conjured up in the meantime. The presence of bodies representative of the four higher education sub-systems was taken to signify, according to criteria for recognition as a Quality Agency, that the Portuguese evaluation of degree programmes was not a genuine external evaluation at all, since it was not undertaken in full independence from those evaluated.

The break up of the evaluation system, erected around CNAVES, brought in a new phase in the development of quality assurance in Portugal. This phase was influenced largely by the developments in the European arena, and by the Bologna Declaration in particular. It is a phase more influenced by far by government than by polytechnics and universities. Trust, which was the lynch-pin to the previous 'contractual model', yielded ground before a more politicised higher education system. The government, elected in 2005, took the view that the quality assurance scheme, then being drawn up, should be recognised internationally. In other words, it had to comply with principles internationally accepted in this area. In short, the new system should follow the recommendations in the ENQA report (ENQA 2006), as well as ENQA's Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG). With these conditions in mind, the Law of 2007 the *Legal Framework for the Evaluation of Higher Education* was passed. And, in the same year, the XVII<sup>th</sup> Constitutional Government approved legislation for the *Creation the Agency for Assessment and Accreditation of Higher Education 2007*. The enactment conferred on the new Agency responsibility for establishing procedures of quality assurance in higher education, including assessment and accreditation, to include Portugal in the European system of quality assurance in higher education and to ensure the overall internationalisation of its universities and polytechnic institutes.

The Agency for Assessment and Accreditation of Higher Education (A3ES) is a foundation under private law, established for an unspecified period, possesses legal status and is recognised as being of public utility. A3ES is independent in its decisions, without prejudice of the guidelines fixed by the State. Its mission is to contribute to the improvement of the quality of Portuguese higher education, through assessment and accreditation of higher education institutions and their study cycles. The assessment and accreditation regime to be developed by the Agency was set out by the Law for the *Legal Framework for the Evaluation of Higher Education*.

A3ES became operational towards the end of 2008, a year after its creation. Its Activity Plan (A3ES 2009b) showed A3ES to be closely circumscribed by law. Legislation passed in 2008 – *Modification to the Juridical Regime of Higher Education Degrees and Diplomas 2008*, stipulated under Article 83, that study programmes already in place when A3ES became operational were required to present themselves for accreditation. Their accreditation is to be complete by the end of academic year 2010/11. The same Decree Law, under Article 54, announced that any new programme leading to a degree of *licenciado* (1<sup>st</sup> cycle), *mestre* (2<sup>nd</sup> cycle) or *doutor* (3<sup>rd</sup> cycle) must be pre-accredited. With some 5,000 programmes existing, the sheer size of the problem made it impossible for A3ES to use the habitual modes of assessment and accreditation and still meet these legal deadlines. A3ES introduced procedures for preliminary accreditation, with a more regular procedure to be launched later. Thus, in 2009/10 A3ES's major energies concentrated on pre-accrediting new study cycles and on granting preliminary accreditation to study cycles already in place. In a second phase,

A3ES will move on to audits as a means of validating internal procedures of quality assurance developed by universities and polytechnics themselves. The implications are plain. Initially, in essence, A3ES's approach will focus on strengthening accountability, with the purpose of moving beyond this initial commitment to increasing the weight placed on processes for quality improvement, based primarily on embedding internal systems of quality assurance into university and polytechnic (A3ES 2009b).

The creation of A3ES's, together with its work programme for the ensuing two years appeared to tackle some of the weaknesses hinted at in its predecessor, amongst them the assertion of its independent status, making Portugal's higher education more aware of internationalisation and falling in with the exigencies of the European Standard Guidelines with which ENQA had endowed itself. Legally, A3ES is independent both from government and from higher education establishments. It moved swiftly onto the other two topics: i) it set up a Scientific Council whose members are internationally recognised experts; ii) it has been accepted as an associate member of ENQA for 2009; and iii) with the internationalisation of external evaluation teams, all reports are to be written in Portuguese and English. Assessment and accreditation procedures together with guidelines for self-evaluation and external evaluation have been drawn up in line with the European Standard Guidelines. Provision has been made for the formal training for those individuals dealing with evaluation and accreditation processes inside universities and polytechnics. Training for external evaluation teams was also taken in hand.

In June 2009, A3ES consulted the members of its Advisory Council for their views and expectations of A3ES' role and the main aspects that should figure on its work agenda (Rosa et al. 2009). Despite some apprehensions, those polled were positive in their expectations for the new system and for its coordinating Agency. This points up a solid basis for implementation and operation. In particular, advisers looked forward to marked improvements in quality. They anticipated that A3ES would focus on assessment and accreditation at both institutional and programme levels. With accreditation singled out as a priority, grounded on a model for raising the level of institutional performance, clearly a more "robust" system of evaluation stands in the offing. This prospect may well be explained in the light of what was seen as the "inefficiency" of the system A3ES replaced, quite apart from its predecessor's marked lack of impact (Rosa et al. 2009).

Be that as it may, it is still too early to judge whether the new quality assurance system *will* be of consequence, just as it is to judge whether it has yet achieved visible results on Society's behalf and has thus overcome one of the earlier system's major weaknesses. In principle, with the disappearance of non-accredited degrees, it will prove easier to demonstrate impact. But it is no less important that the energies devoted to assessing and accrediting degree programmes lead on to improvement in their quality and thus raise the quality of the Portuguese higher education system as a whole. For the moment, the hope which springs eternal, is that the second phase of quality assurance in Portugal will remedy that feature in the first phase which the ENQA review touched upon, namely its inability to bring about:

“(…) ‘quality enhancement’, i.e., encouraging the identification, communication and implementation of best practices in curricula design,

teaching, student learning and institutional academic quality assurance” (ENQA 2006. 35).

Hopes are high that the dysfunctional teenager, which by 2005 quality evaluation had become, will see a coming of age, during which the roles of each are more clear: the State underwrites accountability to society in general, whilst universities and polytechnics institutions take on what is theirs: that is to say an internal culture of quality assurance.

### **What the Future may bring forth: Uneventful Middle Age or Ripe Old Age?**

At the end of the 2<sup>nd</sup> evaluatory cycle, then carried out in April 2005 under the terms set out in the *Higher Education Evaluation Law*, CNAVES unveiled new guidelines for a 3<sup>rd</sup> evaluatory cycle. The idea behind the 3<sup>rd</sup> cycle was no longer to accredit degrees, but rather to accredit ‘functional units’ in universities and polytechnics. It called for a significant amount of data from establishments of higher education, to serve in the construction of performance indicators, and at the same time, place each establishment’s performance in context. The demise of CNAVES saw the demise of the 3<sup>rd</sup> cycle as well. A four-year interval ensued, before A3ES was up and running. Such gap may well have impaired the general determination both to uphold and to advance the process and procedures of internal quality assurance in higher education institutions, further. It will, then, be especially interesting to see how A3ES’ lighter touch, its plan for post initial accreditation (or not) of all degrees in place, by certifying internal quality assurance mechanisms, will fare.

The rise of market mechanisms in tandem with State mechanisms of quality control likewise merits further attention. In theory, market mechanisms may be strengthened by two main factors: demographics, on the one hand, and the increasing availability of information, on the other. In terms of demographics, the number of ‘traditional’ students, moving on to higher education directly after secondary school is falling, a function of declining fertility rates. This downward spiral might somehow be alleviated by the recent extension of compulsory education to the end of secondary education (12<sup>th</sup> grade), although the increase in numbers in secondary education is meant to be in vocational courses leading directly to the labour market, rather than in academic courses leading to higher education. In effect, higher education in Portugal shifted from being a supply-side to a demand-driven market. Currently more places are available in higher education than applicants, who can, thus, despite the *numerus clausus* afford to be choosier. Yet places freed up by the shortage of ‘traditional’ students plus the massification of 2<sup>nd</sup> cycle degrees (masters level), brought more ‘mature’ students to the system. They tend to be ‘older and wiser’, make greater sacrifice to study in terms of time and money and more demanding from higher education. The second argument that strengthens market mechanisms follows, paradoxically, from strengthening State mechanisms of quality evaluation and accreditation. In this, the State extends the dissemination of information. All external evaluation reports are public, so too under the new system, put in place by the ‘reforms’ of 2007, are self-evaluation reports. Over and above judgements expressed by internal or external evaluators, these documents provide data, and, significantly, indicators on the performance of universities and polytechnics. Given the massification in Portuguese higher education, what is relevant in the graduate labour market is less the *possession* of a degree, than the *perceived quality* of that degree.

From this it follows that higher education will, to an increasing extent be 'sandwiched' between State and market. (Sarrico & Dyson, 2001) In all likelihood, further tensions, anxiety and lamentation from academia, increasingly worn out by unceasing 'reform', will arise. An alternative scenario would call for the enhancement of academia and with it a determination to develop and lay down internal quality assurance mechanisms in institutions, on their own terms, to reflect their autonomy. Will there be energy left to do so, after so many 'reforms', and after a 4-year gap in the evaluation trajectory that took off in 1994?

The answer to that question will, surely, determine to some extent the success or its absence, of the latest quality initiatives. Is Portuguese higher education moving down the path towards compliance, ticking boxes in an increasing list of requests, hawked about by the State via A3ES, via the market with its higher education league tables in newspapers? Is it feeding a bulimia for performance indicators and artificial opinions, in ever increasing bureaucratic exercises, each with their own specialists and overseers? Or will universities and polytechnics take back the reigns of control, devise their own internal mechanisms of quality assurance, and bring about improvement, innovation, and, most important, student support, staff development and the motivation of both?

To these uncomfortable questions, there are two scenarios in guise of an answer. The first will inevitably end, like the Hans Christian Anderson fairy tale, with the loud and horrified cries 'the king is as bare as the day he was born' and, with it the passing of yet another system of quality assurance, dead of ripe old age. The second might, little by little, win back trust in Portugal's universities and polytechnics, open the way for a stable system that insures at institutional level both improvement and quality, and for Society general accountability and transparency, as Evaluation moves on towards an uneventful middle age.

### **Envoi**

In Portugal, the preoccupation of Public Administration with quality in higher education has never been absent. And as a result, the insertion of quality assurance mechanisms and procedures progressed rapidly. Installing a system of quality evaluation in Portugal began in 1994 – or in 1993, if the pilot exercise undertaken by CRUP is brought into the reckoning. With the experience of a decade to draw on, clearly responsibilities for improving accountability and quality were mingled together. They were not assigned unambiguously either to the State or to the universities and polytechnics themselves. Disillusion infected the Government of the day, which, in 2005, secured the termination with extreme prejudice of the pioneering system of evaluation and closed CNAVES down. Two years later, in 2007, a new independent agency was born - a new system of quality evaluation and accreditation with more teeth.

The proliferation of institutions and degrees, with no clear control over quality, demanded a further 'cleaning up' of the system, however. This took shape with a programme of cursory accreditation during the first two years of the new Agency's work plan. Only after this initial phase will the Agency be able to move on to a 'cruise control' mode. Yet, the idea has become current that trust in Portugal's higher education must be regained, before a less adversarial system of auditing internal quality

assurance procedures may take root. The success of this mode of operation will be accomplished only when the responsibility of quality assurance is devolved to the institutional level. A further thrust in this latter direction will surely entail strengthening market mechanisms. In a shrinking pool of students, with better information to hand in the form of performance indicators and public judgments made by committees of external evaluation, university applicants will, like it or not, increasingly vote with their feet. At the same time, universities will be scrutinized by State and by market. They will be subject to increasing competition for the best students, the best staff, for State funding of teaching and research, and for earned income to make up the shortfall in State subsidies, a situation that massification precipitates. These pressures may perhaps lead on to some sterile jousting. They will, most assuredly also provide an incentive (whether carrot or stick must remain for the moment hidden in creative obscurity) for further measures of internal quality assurance as a way to be better prepared to face them. The role of foundation universities, operating under private law, is also of more than passing interest in the impact they may have on the ability of institutions to improve their quality management.

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