

Substantive Change Report
by National Agency for the Quality Assessment and Accreditation of
Spain (ANECA)

Register Committee

Ref. RC17/C13

Ver. 1.0

Date 2016-06-15

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Decision of:	06 June 2016
Report received on:	11 March 2016
Agency registered since:	2013-05-07 (ANECA was also registered from 2008-12-05 to 2012-06-30)
Last external review report:	November 2012
Registered until:	30/11/2017
Absented themselves from decision-making:	
Attachments:	<ol style="list-style-type: none"> 1. Substantive Change Report 2. Clarification request of 26/04/2016 3. Clarification by ANECA of 10/05/2016

The Register Committee considered the Substantive Change Report of 11/03/2016.

The Register Committee sought and received clarification from ANECA on some matters, referred to below (attached: request of 26/04/16 and response of 10/05/16).

The Register Committee took note of the changes in ANECA's legal form following the Ministry's adoption of a Royal Decree as well as the changes in the composition of ANECA's new Council.

The Committee formed the view that the activity of the National Committee for the Evaluation of Research Activity addressing the individual evaluation of academic staff for higher education does not constitute a substantive change as the ESG are about external quality assurance of higher education institutions or programmes and not about individual assessments.

The Committee welcomed the change in ANECA's status from a public sector foundation to an autonomous public organisation that can issue official decisions with no further need of a government endorsement.

The Committee considered that the new provisions in ANECA's regulation i.e. reduction in the proportion of governmental members participating in the Council, as well as clarifying and delimiting the role of the Council from taking part in any decision related to the evaluation of reports is likely to strengthen the operational and organisational independence of the agency.

The Register Committee nevertheless noted that the issue of independence was flagged in the Register Committee's renewal decision of May 2013. The

impact of the new organisational structure should therefore receive attention in the next external review of the agency.

Register Committee

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Subject: Substantive Change Report: ANECA - National Agency for the Quality Assessment and Accreditation of Spain

From: "secretaria.direccion@aneca.es" <form_engine@fs22.formsite.com>

Date: 3/11/2016 1:36 PM

To: substantive-changes@eqar.eu

Reference #	9313645
Status	Complete
Login Username	
Login Email	
Agency #1 *	ANECA - National Agency for the Quality Assessment and Accreditation of Spain
Expiry date #1 *	30/11/2017
Contact #1 *	Miguel Ángel Galindo
Phone #1 *	+34 91 417 82 32
Email #1 *	secretaria.direccion@aneca.es
Other organisations? *	No
A. Has the organisational identity of the registered agency changed? *	Yes
Description *	Changes in the legal form and status from a foundation of the public sector with a private organisation related to the Ministry of Education of Spain to a autonomous body working fully as a public organisation.
B. Has the organisational structure changed? *	Yes
Description *	There is a change in the name and composition of the Governing body of the Agency from a Board of Trustees to a Council. The change does not affect the way the agency conducts its evaluation procedures and activities as well as the organisation of the evaluation committees and panel.
C.i. Are there new types of activities? *	No

C.ii. Are there changes in existing activities? * No

C.iii. Have some or all existing activities been discontinued? * No

File #1 [1 ANECA-organismo-publico-BOE-A-2015-13780.pdf \(322k\)](#)

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National Agency for the Quality Assessment and Accreditation of Spain
(ANECA)

Miguel Ángel Galindo

– via email –

Your application for inclusion on EQAR

Brussels, 26 April 2016

Dear Miguel,

We wish to thank you for the Substantive Change Report of 29 March 2016. Your report has been reviewed by two rapporteurs before being brought to the attention of the entire EQAR Register Committee.

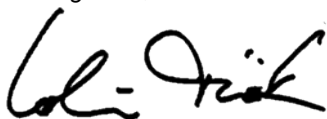
In order to prepare consideration by the Committee, we would be obliged if you could clarify the following query.

We note that ANECA has changed its legal form from that of a public sector foundation to an autonomous public organisation and that it has changed the name and composition of its governing body. As the current information¹ is insufficient to allow for an assessment of the substantive change we would kindly ask you to clarify:

- the specific changes in ANECA's new versus old status and whether the change in status is reflected in the agency's independence from the Ministry.
- the changes in ANECA'S new Council, in particular (a) how the composition changed and if so (b) how has the nomination/appointment of the Council members changed.

In order to expedite proceedings we kindly ask you for a reply **by 9 May 2016**. Please inform us if any difficulties arise in meeting this deadline. I shall be at your disposal if you have any further questions or inquiries.

Kind regards,



Colin Tück
(Director)

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¹ EQAR can only take into account information provided in English. The additional documentation in Spanish can't therefore be taken into account

Note on the Clarification letter of the EQAR Director sent on 26th April 2016

1. The specific changes in ANECA's new versus old status and whether the change in status is reflected in the agency's Independence from the Ministry.

The transformation of ANECA into an autonomous body implies the change of its legal status from a foundation of the public sector to an autonomous body of public nature. Therefore, its legal framework, particularly the part related to the financial management and the contracting policy as well as the management of human resources will be modified to be aligned to the one ruling the public sector.

The purpose of this transformation is to achieve a more efficient and effective management of the organisation as well as a more transparent economic management.

The change of the legal status of ANECA has to be understood within the broader change derived from the report written by the *Comisión para la Reforma de las Administraciones Públicas* (CORA) (Committee for the Reform of the Public Administrations), chaired by the acting Vice-president of the Government, and approved by the Council of Ministers of the Spanish Government on October 2013.

The purpose of the report was to improve the efficiency of the public administrations in terms of reducing the overlapping of activities that some public bodies had, as well as to rationalise their activities. Furthermore, this report resulted in the closing of some public bodies which either merged with other offices with similar aims or their purpose was considered already accomplished by other bodies of the administration.

For the case of ANECA, the report of the Committee considered that the purpose and the functions that the National Agency conducts are both relevant and significant to the Spanish higher education system according to the University Act of April 2007. The decision reinforces ANECA institutionally in two important matters: firstly the legal status of the Agency turns into a public body from its previous status as a foundation of the public sector; secondly, the *Comisión Nacional Evaluadora de la Actividad Investigadora* (CNEAI) (National Committee for the Evaluation of Research Activity), the national body which evaluated the individual performance of the researchers, is placed under the coordination of ANECA as the National body in charge of individual evaluation of academic staff for higher education.

The first point also strengthens the independence of ANECA in terms of having the capacity to issue official decisions without having to be endorsed by a governmental body as it happened before.

The second point illustrates how the awareness about the evaluation's role of ANECA regarding higher education at the national level is rooted within the administration. The system considers that the CNEAI's research evaluation procedure should be placed under the coordination of ANECA for the sake of efficiency.

The most important features derived from the change into an autonomous body are as follows:

- The autonomous body ANECA maintains its objective of supporting external Quality Assurance to the Spanish university system, contributing to its continuous enhancement
- ANECA holds its traditional functions of accreditation and evaluation of higher education programmes and academic staff
- ANECA's new regulations ensure its functional independence to the following detail:

- **Article 1. Nature, legal framework and adscription.**

ANECA has its own differentiated legal public status, physical resources and funds and complete legal capacity to act and it shall exert its competences with complete functional independence.

ANECA shall develop its activity according to the principles of legality and legal security, technical and scientific competence, objectivity, independence and transparency, developed in article 7 of this regulations and bearing in mind the criteria for its actions in force for these kind of bodies within the European Higher Education Area and, in general, in the international context, ensuring and promoting the recognition of the Spanish higher education in the international sphere.

- **Article 2. Functional independence**

1. In the exercise of its functions and in order to comply with the aims assigned, ANECA shall act with complete functional Independence (...)

2. (...) the staff and the members of ANECA's governing or advisory bodies shall neither accept nor request instructions from any public or private entity for the fulfilment of their functions.

- **Article 7. Principles of action.**

- b) *Principle of Independence of action, criterion, decision or judgement in the accomplishment of its activities, ensuring that the Agency develops its functions according to pre-established and public technical, scientific and managerial criteria with total impartiality.*

- ANECA's regulations state explicitly in article 13.3 that the Council will not take part in any decision related to evaluation reports or the definition of evaluation criteria and methodologies.
- According to the new regulations, the Independence of the Agency is strengthened with the mechanism to appoint the Director of ANECA who is appointed by the Council (Consejo Rector) for a three-year term which can only be extended to another three-year one.

- **Article 15. Appointment, dismissal and replacement of the Director.**

- ANECA's Director shall be appointed and dismissed by the Council upon the proposal of its President.*

- The appointment of the Director shall be for a three-year period that could be only be extended for another three-year one.*

- The Director of ANECA shall carry out his/her duties in a full time commitment and absolutely objectivity; he/she shall not be subject either to imperative mandate or expressed instructions of authority concerning academic or evaluative decisions.*

2. The Challenges in ANECA's new Council, in particular (a) how the composition changed and if so (b) how has the nomination/appointment of the Council members changed.

In the change of ANECA's regulations that took place in May 2011, we could perceive a clear shift towards independence from the viewpoint of the 'weight' of the representatives of the governmental bodies and the representatives of the stakeholders in the Board of Trustees.

From a list of 24 members only one third -8- were representatives of the different ministries which competences in higher education plus the financial public body. From the other two thirds, 13 were selected collectively and in a collegiately way by the various stakeholder representative bodies and the remaining 3 came from recognised members of academia, science or business on an individual level.

In ANECA's new Council the number of members reduces drastically to set up a meaningful organization in terms of representation and decision-making body.

The Council (Consejo Rector) of ANECA will consist of 9 members as follows:

- The Secretary General for Universities of the Ministry in charge of higher education
- The Director general for University Policy of the Ministry in charge of higher education
- A representative of one regional administration in charge of higher education appointed by the General Conference for University Policy which is the body where the regional governments meets from one public and private university.
- Two rectors of Spanish universities appointed by the Spanish Rectors' Conference
- A student representative who will be the acting vice-president of the Student University Council
- A representative of the Spanish Social Councils of the Universities appointed by the Conference of Social Councils
- A representative of the trade unions of the academic staff organisations appointed by the Trade Union Body
- A representative of the Spanish Confederation of Employers appointed by its council
- The Director of ANECA will act as Secretary of the Council with voice but without voting rights.

The members of the Council will be appointed for a two-year term that could only be extended for another two-year term.

Therefore the representatives of the Ministry are two who among 9 members which represents less than the one fourth of the total number (22.2%). Furthermore, the rest of the members will be selected and appointed by collegiate bodies of the main stakeholders of higher education: regional higher education authorities, the rectors' conference, the student representative body, the conference of the social councils of the universities, the trade unions bodies and the employer national organization.

This composition reflects a much updated representation of the relevant and significant stakeholders' representatives following the latest trends within the European Higher Education Area in terms of stakeholder involvement.

Finally, we should bear in mind that ANECA contributed before its change to the adaptation of the Spanish national higher education bodies to the European Higher Education Area. This was clearly the case of the involvement of students in evaluation practices as soon as in 2006 where the student engagement in higher education issues was still under the umbrella of mere student representation in university bodies.

But above all, ANECA influenced the Spanish Ministry of Education in 2010 in including the ENQA/EQAR-reviewed/listed Spanish regional quality assurance agencies as a *raison d'être* to share its exclusive competence for the ex-ante evaluation procedure. ANECA had signed one year before its first mutual recognition agreements with EQAR/ENQA reviewed regional agencies as a condition sine qua non to share the competence with them.

Furthermore, ANECA has also influenced the Ministry in the writing of the recent approved Royal Decree on institutional accreditation when for the first time only the agencies listed in the European Quality Assurance Register can implement this procedure with the Spanish higher education institutions.

Madrid, 9th May 2016