

**ENQA training of agency reviewers, Dublin, 11th-12th February 2010**

# **The notion of compliance (full, substantial, partial): definitions and examples**

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## Possible Conclusions:

The agency is **fully compliant**  
**substantially compliant**  
**partially compliant**  
**non-compliant**  
with the membership criteria.

Panel may comment on overall compliance with membership criteria if it wishes

**Remember: The board will have to make a yes/no decision whether an agency complies with the membership criteria or not.**

➤ **The conclusions have to be clear!**

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## Mind the wording:

### Conclusions like

- **„sufficiently complies“**
- **„criteria are being largely met“**
- **„full compliance has not been achieved“**
- **„not yet fully compliant“**

**are not helpful!**

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**Fully compliant: The Agency acts entirely in accordance with the criterion/ESG standard, and its implementation is effective.**

**Example: (3.2 – Official status)**

“Agency was founded by agreement in 2001. The law 3/2003...formally established *Agency* as the external assessment body for the university system of the region...”

**Assessment:** „The panel considers it evident that *Agency* functions on a clear and established legal basis...”

**Evaluation:** Fully compliant

Mostly where the existence of something has to be proved (Legal basis, appeals procedure, internal quality policy, etc.)

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**Non compliant: “The Agency fails to comply with the criterion/ESG standard.”**

**Example:**

“Though the **operative independence of the AGENCY and the independence in the quality appraisal are not questionable**, the independence with respect to some basic aspects is restricted or at risk: **though the procedural rules have been developed by AGENCY, the (ministry) decides upon their bindingness. ...**

The expert group acknowledges that the said risks are currently theoretical (or potential) and no problems have arisen yet while implementing the procedures. ...

The experts consider the fact alarming that the AGENCY is **dependent on the approval of state bodies for the intention of applying for membership in the (European Register).”**

**Substantially compliant: “The Agency is to a large extent in accordance with the criterion/ESG standard, the principle/spirit of which is followed in practice.”**

**Example (3.5 Mission statement):**

“The mission of *Agency* is defined in four different documents...The panel finds that the mission of *Agency* is clearly defining the aims and objectives of the agency.”

**Assessment:** “However, the mission of *Agency* is not set down in one, publicly available statement but four, none of which is actually called “Mission statement.” An interested person could have difficulties recognising the actual mission...”

**Evaluation:** Substantial compliance.

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**Partially compliant:** “Some aspects or parts of the criterion/ ESG standard are met while others are not. The interpretation of the criterion/ESG standard is correct, but the manner of implementation is not effective enough.”

**Example: (3.4 Resources)**

“AGENCY obtains its resources through support from the State budget, as decided by the Parliament set in a separate item within the chapter of the MINISTRY (the relative amount of this support, in proportion to the overall state HE budget, is defined by the Higher Education Act), and from the fees it charges for some of the services it provides to HEIs.”

**Assessment:** “However, despite successfully increasing revenue from the provision of services, AGENCY has not been able to know with certainty what its allocation from the state budget will be. It therefore has difficulties planning its activities and human resources.”

**Evaluation:** partially compliant.

## **Substantially compliant v. partially compliant: Interpretation**

### **E.g. 3.5 Mission statement**

**“Agencies should have clear and explicit goals and objectives for their work, contained in a publicly available statement.”**

**The criterion not complied with to the letter/literally but in essence**

#### **➤ Substantial**

**A criterion with several features is complied with in all but one/a few features (decision is around overall compliance: is it jeopardised? Are the features which are not complied with critical or is it still clear that the criterion is complied with in essence?)**

#### **➤ substantial or partial?**

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**Thank you for your attention**

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