Legal framework

In Portugal, the initial quality assurance activities were an initiative of the Portuguese Council of Rectors (Conselho de Reitores das Universidades Portuguesas - CRUP) that organised a pilot experiment in 1993. The first assessment cycle was completed in 1999 and included only the public universities and the Catholic University.

The public polytechnics and the private higher education institutions have taken some time to join this process. Decree-Law no. 205/98, 11th July created an overall coordination council for the assessment of higher education called National Board for Higher Education Assessment (Conselho Nacional de Avaliação do Ensino Superior - CNAVES).

Following the recent development of quality assurance systems, namely those in the Europe, the Portuguese state created the Agency for Assessment and Accreditation of Higher Education (Agência de Avaliação e Acreditação do Ensino Superior - A3ES), by Decree-Law no. 369/2007, 5th November, with the purpose of promoting and ensuring the quality of higher education.

The main legal documents applicable are:

- **Law no. 49/2005, 30th August**, which amended the Comprehensive Law on the Education System (Law no. 46/86, 14th October), specifically regarding higher education.
- **Decree-Law no. 42/2005, 22nd February**, amended by Decree-Law no. 107/2008, 25th June, which approves the principles governing mechanisms for creating European Higher Education.
- **Decree-Law no. 74/2006, 24th March**, which approved the new legal framework for higher education degrees and diplomas and enshrines the accreditation of higher education study cycles and institutions (adaptation to Bologna) for the first time; this legislation was amended by Decree-Law no. 107/2008, 25th June, by Decree-Law no. 230/2009, 14th September and by Decree-Law no. 115/2013, and amended and republished by Decree-Law no. 65/2018, 16th August;
- **Law no. 38/2007, 16th August**, with amendments introduced by Law no. 94/2019, 4th September, which approved the legal framework for quality assurance in higher education;
- **Law no. 62/2007, 10th September**, which establishes the legal framework for higher education institutions, regulating their foundation, duties and organisation, the operations and responsibilities of their different bodies and departments, as well as how the State governs and supervises them;
- **Decree-Law no. 369/2007, 5th November**, which established the Agency for Assessment and Accreditation of Higher Education and approved its statutes, as well as regulating certain
important aspects of the accreditation of higher education institutions and study cycles;
- **Decree-Law no. 205/2009, 31st August**[^12] regulates the academic career for public universities.

### Responsible bodies

The A3ES was set up by the State for an indefinite period as a foundation governed by private law, boasting legal personality and public utility. It is independent in performing its duties within the framework of the law and its statutes, without prejudice to the guiding principles established by the State through its own bodies.

The Agency's statutory bodies are the Board of Trustees, the Management Board, the Audit Committee, the Advisory Council and the Appeals Council.

The mission of A3ES is to contribute to improving the quality of Portuguese higher education, through the assessment and accreditation of higher education institutions and their study cycles, and to ensure the integration of Portugal in the European quality assurance system of higher education.

The Agency’s main goal is to improve the quality of higher education institutions and their study cycles and to ensure compliance with the basic requirements of their official recognition.

The Agency’s objectives are achieved via the evaluation and accreditation of higher education institutions and their study cycles, which seeks to promote an internal institutional culture of quality assurance.

The A3ES objectives are the following:

- To implement evaluation criteria so their results become qualitative assessments;
- To define the consequences of evaluation for how institutions and their study cycles function;
- To develop quality assessment to assess the performance of higher education institutions and their study cycles;
- To promote the accreditation of study cycles and institutions, for the purpose of ensuring the fulfilment of the legal requirements for their recognition;
- To provide society with information on the quality of the performance of higher education institutions;
- To promote the internationalisation of the assessment process.

The mission of A3ES involves:

- Defining and ensuring quality standards for the system;
- The evaluation and accreditation of study cycles and higher education institutions;
- The public dissemination of evaluation and accreditation results;
- Promoting of the internationalisation of the Portuguese higher education system.

The Agency also:

- Advises the State on matters of quality assurance in higher education;
- Carries out studies and provides opinions, either on its own initiative or at the State’s request;
- Participates in the European quality assurance system for higher education - EQAR;
- Coordinates assessment and accreditation in Portugal with international assessment institutions
After 3 years’ experience of conducting assessment and accreditation processes, the A3ES fulfilled the conditions to undergo an independent international review, as determined by The European Standards and Guidelines (ESG).

This evaluation was a condition for application for inclusion of A3ES on the European Quality Assurance Register (EQAR) which was submitted in 2014, being accepted and formalized in November of the same year.

A3ES is also a member of ECA, of the CHEA International Quality Group and of the IMHE programme from OECD.

**Approaches and methods for quality assurance**

The main objective of A3ES is to promote the improvement of the performance of HEIs and their study programmes and to guarantee the fulfilment of the basic requirements for their official recognition.

This objective is pursued through the assessment and accreditation activities carried out by the Agency, and the promotion of an internal quality assurance culture within HEIs.

The Agency began its work in 2009, a year that was essentially dedicated to defining and implementing its organisation and procedures, as well as the make-up of its various bodies and how staff would be hired and trained. 2010 and 2011 were focussed on complying with the legal provisions stipulated for this period, such as the preliminary accreditation of all study cycles operating when the Agency was created, the prior accreditation of new study cycles and preparation of audit processes for internal quality assurance systems.

In 2012, the first regular accreditation cycle began, which consisted of a five-year evaluation and accreditation phase of all study cycles in operation that had obtained preliminary accreditation, and which was concluded in 2017/18 with the institutional assessment process, as part of the reconstruction of the higher education database. The aim was to provide a global vision of the system and analysing the improvements achieved in relation to the initial 2010 undertaking. During this period, the voluntary auditing process of institutions' internal quality assurance systems also continued.

The first regular accreditation cycle involved a systematic and rigorous accreditation of all study cycles operating, aiming to improve the overall quality of the system, the institutions and their educational provision. Once this exhaustive analysis phase had been completed, the new cycle of evaluations had to be planned. The Agency considers that the current system, which is expensive and demanding in terms of human resources, need not be fully maintained once a culture of thoroughness has been created in the institutions and the minimum quality standards defined in the legislation have been internalised and accepted.

As such, for the new regular evaluation/accreditation cycle (2018-2023), the Agency developed a simplified system that was based on the principles of risk management and institutional responsibility for educational quality. The simplified procedures are based on a sampling system combined with institutional audits. The simplified procedures will be adopted for institutions with better quality indicators, in terms of teaching staff qualifications and the quality of research undertaken, as well as performance in the first assessment/accreditation cycle and duly certified internal quality assurance.
systems. This simplification of the system also corresponds to a revision and simplification of all guidelines. This 2nd regular cycle will be completed in 2022/2023 with a new institutional evaluation and database reconstruction.

The Agency will continue to undertake research in its area and will monitor new international developments in the sector, particularly those related to risk management policies and quality enhancement.

A3ES formally expresses its permanent commitment to quality, assuming quality assurance in its own performance as an essential value to ensure credibility and the trust of stakeholders, such as higher education institutions, students, government and society in general.

Structural aspects of the A3ES quality policy are:

- Clear definition of its mission and objectives;
- Strategic planning of its activity, demonstrated in its multiannual strategic plan and annual activity plans;
- Adherence to European standards and guidelines for quality assurance and the applicable legal provisions;
- Preoccupation with transparency in all activities;
- Establishment of accountability mechanisms;
- Adoption of a Code of Ethics applicable to all Agency staff;
- Developing a culture and awareness of quality in Agency workers (internal and external);
- Establishment of monitoring and continuous improvement mechanisms for its work;
- Systematic research and development studies and projects for further development of issues and mechanisms related to quality assurance;
- Regular external evaluation of the Agency in accordance with European standards;
- The Agency's internationalisation policy and its inclusion in ENQA and registration with EQAR.

In the pursuit of its quality policy the Agency establishes, among others, the following internal quality assurance mechanisms:

- Elaboration and disclosure of formally approved documentation relative to norms, regulations, procedures and instruments relevant for the operation of the Agency’s bodies and for developing assessment and accreditation processes;
- Regular revision of the norms regulating the Agency’s assessment and accreditation procedures;
- Monitoring, revision and regular updating of the assessment and accreditation mechanisms and procedures;
- Regular meetings with the Agency’s Advisory Council;
- Collection of feedback and improvement suggestions by means of enquiries addressed to HEIs, members of external assessment teams and project coordinators regarding the organisation, instruments, performance and results of the Agency’s assessment and accreditation procedures;
- Informal hearings of HEIs and their representative bodies on the development of criteria, procedures and instruments related to assessment and accreditation processes;
- Formal external feedback from the Agency’s Scientific Council, a body composed of six international experts in the area of quality assurance. They visit the Agency once a year and provide a report on the Agency’s organisation and performance, as well as recommendations on aspects they consider relevant for the development and continuous improvement of all processes;
- Internal feedback provided by project coordinators who have frequent and regular contact with the executive members of the Management Board who closely follow the different phases of the
assessment and accreditation processes;
• analysis of collected information by the Agency’s Office of Research and Analysis;
• the Management Board internal reflection and prospective analysis. The Council systematically examines received comments, analyses and suggestions and when appropriate integrates them in the decision-making process;
• development of studies and research projects focused on quality assessment and accreditation processes; critical following of European trends and best practices in quality assurance and its possible integration in the Agency’s own processes;
• regular training of the members of external assessment teams and specialised training of the Agency’s permanent staff;
• external international assessment of the Agency, every five years, complying with the European Standards and Guidelines, and the consequent integration in ENQA as a full member and in EQAR.

The management board pledges to ensure the fulfilment of this quality policy and its periodic updating taking into account the evolution of the Agency’s needs and those of its environment.