

Retroactive Repeal of Decision Regarding Assessment of the Social Services Study Programme Group at Tallinn University and Adoption of a New Assessment Decision

10/03/2017

The Quality Assessment Council for Higher Education of the Estonian Quality Agency for Higher and Vocational Education decided retroactively as of 15.09.2015:

- 1) To repeal the decision to conduct the next quality assessment of the Social Services programme group in the first and second cycles of higher education at Tallinn University in seven years with a secondary condition.**
- 2) To conduct the next quality assessment of the Social Services programme group in the first and second cycles of higher education at Tallinn University in five years.**

Based on subsection 53 (3), clause 66 (2) 3) and subsection 66 (3) of the Administrative Procedure Act, and on the basis of subsection 10 (4) of the Universities Act, point 3.7.3 of the Statutes of the Estonian Quality Agency for Higher and Vocational Education (hereinafter referred to as 'EKKA') and point 41 of the version of the document, 'Quality Assessment of Study Programme Groups in the First and Second Cycles of Higher Education', in force on 15.09.2015 and authorised in point 3.7.1 of the above-mentioned EKKA Statutes; the EKKA Quality Assessment Council for Higher Education (hereinafter referred to as 'the Council') affirms the following:

1. According to clause 53 (1) 2) of the Administrative Procedure Act, *a secondary condition of an administrative act is an additional duty related to the principal regulation of the administrative act*, and clauses 53 (2) 2) and 3) establish that *a secondary condition may be imposed on an administrative act if the administrative act cannot be issued without the secondary condition, or if issue of the administrative act must be resolved on the basis of an administrative right of discretion*. On 15.09.2015 the Quality Assessment Council for Higher Education of the Estonian Quality Agency for Higher and Vocational Education (hereinafter referred to as 'the Council') made the decision to approve the assessment report¹ and to conduct the next quality assessment of the Social Services study programme group in the first and second cycles of higher education at Tallinn University in seven years with the secondary condition that Tallinn University would submit to the Council an action plan and report on eliminating the shortcomings referred to under point 11 of the assessment decision², by 15.09.2016.

¹ The assessment report is an integral part of the decision and is available on the EKKA website.

² The assessment decision is available on the EKKA website.

2. Tallinn University submitted to the Council a document 'Tallinn University action plan and report on eliminating the shortcomings identified during the quality assessment of the Social Services study programme group in the first and second cycles of higher education' by 15.09.2016. The Council analysed this action plan in its session on 10.03.2017 and concluded that Tallinn University had not planned activities needed to eliminate the following deficiencies listed in the secondary condition:

The Youth Work professional higher education programme

- 1) Shortcoming: *Most courses are conducted by a relatively small number of lecturers, and they need additional support to enhance their professional competence and increase their motivation, particularly in the light of recent developments in their fields.*

Assessment by the Council: Clause 6 (7) 1) of the Government of the Republic Regulation, 'Standard of Higher Education', prescribes that the conduct of studies conforms to the requirements if *the teaching is performed by ordinary teaching and research staff who meet the qualification requirements established in legal instruments and whose number, based on their responsibilities, loads of conducted studies and research, and numbers of students supervised, is sufficient to achieve the objectives and learning outcomes of the study programme.* Tallinn University stated in its response that, as of the date of submission of the action plan, the Youth Work study programme did not have enough teaching staff and there was no concrete action plan to solve the problem. Despite the shortage of teaching staff with professional competence, the University has launched an MA programme in Youth Work, in addition to the professional higher education programme, during the post-assessment period. Thus, according to the Council, the deficiency has worsened.

- 2) Shortcoming: *Theoretical aspects of the specialty are not given sufficient attention when studying youth work practices.*

Assessment by the Council: Clause 6 (7) 2) of the 'Standard of Higher Education' prescribes that *a member of the teaching or research staff who conducts studies in a given subject (including visiting members of the teaching staff) has the necessary teaching competence and his or her qualifications support achievement of the objectives and learning outcomes of the study programme.* According to subsection 6 (2) of the 'Standard of Higher Education', *study programmes and the conducting of studies shall be consistent with, inter alia, national quality requirements and agreements.* Point 5.3.4 of the document, 'Quality Assessment of Study Programme Groups in the First and Second Cycles of Higher Education', prescribes that *practical and theoretical studies shall be interconnected.* The workload of the theoretical concepts of youth work taught in the study programme is not sufficient, raising doubts about the staff's teaching competence in this field. Based on the University's response, the lecturers and supervisors themselves need training regarding the conceptual basics of youth work. This means that the theoretical and practical studies are not balanced in the curriculum and the deficiency has not been eliminated to date.

The Health Promotion Specialist professional higher education programme

- 3) Shortcoming: *Representatives of different groups have different and often conflicting views with regard to the need for this study programme. The correlation of objectives of the programme with labour market needs is not clearly defined.*

Justification by the Council: According to subsection 6 (1) of the 'Standard of Higher Education', *a study programme shall contribute to fulfilling the mission of the educational institution and to achieving its goals and shall take into consideration the needs of the labour market and the target group.* Tallinn University mentioned in its response that the content and structure of the study programme is in accordance with the Standard of Higher Education and professional standards,

and is outcomes based. Tallinn University also stated that ‘the study programme has a regional scale that enables students to acquire practical skills for the systematic health promotion of the population at the local level’ and that there are two specialisation options within the study programme. In its response, Tallinn University did not explain the need for the Health Promotion Specialist programme nor outlined the correlation between the objectives of the programme and the needs of the labour market. In the light of the foregoing, the Council concludes that the shortcoming has not been eliminated in a timely manner.

The Social Pedagogy and Child Protection MA programme

- 4) Shortcoming: *There is a lack of teaching staff with competencies in the fields of social pedagogy and child protection.*

Justification by the Council: Clause 6 (7) 1) prescribes that the conduct of studies conforms to the requirements if *the teaching is performed by ordinary teaching and research staff who meet the qualification requirements established in legal instruments and whose number, based on their responsibilities, loads of conducted studies and research, and numbers of students supervised, is sufficient to achieve the objectives and learning outcomes of the study programme.* In its response, Tallinn University did not present any action plan on how to increase the number of teaching staff with social pedagogy and child protection competencies (in addition to the core teaching staff and practitioners involved in teaching) that would be sufficient to achieve the objectives of the programme. Therefore the deficiency has not been eliminated in a timely manner according to the Council.

3. Subsection 53 (3) of the Administrative Procedure Act prescribes that *if an administrative act becomes unlawful after a secondary condition expires, the administrative authority shall promptly repeal the administrative act or establish a new secondary condition.* According to clause 66 (2) 3) and subsection 66 (3) of the Administrative Procedure Act *an administrative act which was lawful at the moment of issue may be repealed to the detriment of a person retroactively if an additional duty is related to the administrative act and the person fails to perform it.* The Council found in its decision of 15.09.2015 that the study programmes, the teaching conducted under these programmes, and development activities regarding teaching and learning within the Social Services study programme group at Tallinn University conformed to the requirements, provided that the University would eliminate certain shortcomings related to the Youth Work, the Health Promotion Specialist, and the Social Pedagogy and Child Protection programmes. Since the action plan along with the report submitted by Tallinn University does not provide satisfactory confirmation of the elimination of these deficiencies, the Council concludes that the secondary condition for the more favourable decision has not been fulfilled and the initial assessment decision must be repealed retroactively.
4. Point 41 of the version of the document ‘Quality Assessment of Study Programme Groups in the First and Second Cycles of Higher Education’, in force on 15.09.2015, prescribes that *the Council shall weigh the strengths, areas for improvement, and recommendations pointed out by the assessment committee, and then shall decide whether to conduct the next quality assessment of that study programme group in seven years – or in less than seven years if the study programmes, instruction and instruction-related development based on those programmes do not comply with legislation, national or international standards.* Again the Council weighed the strengths and areas for improvement pointed out by the assessment committee, concluding that there is non-compliance of the study programmes with the Standard of Higher Education and national quality requirements as described in point 2 of this document, and

DECIDED:

Retroactively as of 15.09.2015, to repeal the decision to conduct the next quality assessment of the Social Services programme group in the first and second cycles of higher education at Tallinn University in seven years with a secondary condition and to conduct the next quality assessment of the Social Services programme group in the first and second cycles of higher education at Tallinn University in five years.

The decision was adopted by 9 votes in favour and 0 against.

5. The Bureau of EKKA will coordinate a date for the next quality assessment of the study programme group with Tallinn University no later than 15.12.2019.
6. A person who finds that his or her rights have been violated or his or her freedoms restricted by this decision may file a challenge with the EKKA Quality Assessment Council within 30 days after the person filing the challenge became or should have become aware of the contested finding. A judicial challenge to this decision is possible within 30 days after its delivery, by filing an action with the Tallinn courthouse of the Tallinn Administrative Court pursuant to the procedure provided for in the Code of Administrative Court Procedure.

Tõnu Meidla
Chair of the Council

Hillar Bauman
Secretary of the Council