

Refine: Report on legal situation for the universities in relation to the validation of non-formal and informal learning

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1. Introduction

The Trends IV report prepared by the EUA for the Bergen meeting of the Education Ministers in the Bologna process, revealed that:

'Only in a minority of countries and HEIs explicit strategies for the recognition of non-formal or non-academic recognition exist the question of APL/APEL was often not understood by the different groups, which shows the limited awareness that exists in many HEIs, although this kind of recognition clearly is part of the Bologna objectives of increased mobility and LLL. In some universities in binary higher education systems this question was misunderstood as referring to permeability between the university sector and the polytechnic/college sector. Only none HEI made the connection to qualifications frameworks by stating that a European qualifications framework would be helpful in this matter.' (Reichert and Tauch 2005, p25).

This is the context for the work of the Refine project – testing tools for APL/APEL in Europe (www.eucen.org/Refine). However, it became clear at the partners meeting in Kaunas (LT) in November 2004 that in most countries represented in the project, the practice of APL/APEL was not only 'not understood' or 'misunderstood' but that it is severely constrained, and in some cases made impossible, by the legal rules governing the admission of students to university courses. It was therefore decided that the university partners in the project would report on the current legislative arrangement in their respective country (with indications of any known changes in the pipeline) and this would be put together in an overview report as part of the outputs of Refine. This paper is the result of that work and represents the situation at the end of 2004. At the time of writing we are not aware of any major changes that have taken place since that time, although some countries (eg Portugal) were in the process of drafting or planning new legislation.

The partners were each asked to explain what was possible and not possible in the practice of APL/APEL in relation to **entry** to university courses at different levels, and to **exemption from** or the **award of part** of a diploma.

2. Short summary of the situation in each country participating in Refine

Belgium (FR)

It is not possible to enter a Bachelor's programme without the normal secondary school certificate on the basis of validation of prior/non-formal learning; neither is it possible to be awarded part of a Bachelor's programme on the basis of prior/non-formal learning.

It is possible to enter a Masters programme without a secondary school certificate or a Bachelor's diploma but in practice all entrants have at least the secondary school certificate. However, it is possible to enter the Master's (deuxième cycle) without the Bachelor's, on the basis of a validation of professional or personal experience. Formally it is not possible to obtain part of the Master's diploma on the basis of prior/non-formal learning however it is possible to get exemptions from courses and although formally there is no maximum to the exemption possible the regulations state that at least 30 credits in each year must be obtained from course taken at the university. Thus in practice the maximum possible exemption is 50% (30 out of 60 credits) of any one year.

Czech Republic

Paragraph 60 of the Higher Education Act of 1998 is the relevant law governing entry to HE courses at present. All learners must have the *maturito* (the secondary school certificate) in order to have the legal status of 'student' (which involves certain rights in relation to social security arrangements for example). All entrants to the Bachelors degree must have the *maturito*, all entrants to Masters degree must have the *maturito* and a Bachelors degree, an all entrants to the doctoral programme must have the *maturito*, a bachelors degree and as Masters degree. All these diploma courses are normally free. However, the 1998 Act enabled universities to offer lifelong learning programmes for which they are allowed to charge a fee and for which the *maturito* is not required for entry. There are 2 types of LLL programme: non-accredited and accredited. Non-accredited programmes are completely open (and subject to 19% VAT on the fees). Accredited programmes (zero rated for VAT purposes) are very similar in content to the regular courses of the diploma programme from which they are taken although the teaching methods may vary, for example in the field of business they may have more practice and less theory. Up to 60% of the credits for a regular diploma of the university can be obtained from an accredited LLL programme (but not a non-accredited one) in the relevant subject area. The law does not proscribe credits obtained in an accredited LLL programme from another university – this is left to the internal regulations of each university but in practice we have found no example where this is actually happening. Neither does the law proscribe the award of credits in accredited LLL programmes to be awarded on the basis of

the validation of non-formal or informal learning (and then these credits could be recognised in the regular diplomas) but again we have found no concrete examples of universities who are exploiting this possibility. The traditional universities see no need to do this and the new private universities are extremely cautious as they fear their accreditation to award Bachelor's and Master's degrees may be threatened if they seek to push too hard at the boundaries of 'normal practice'.

The laws relating to the recognition of prior learning at present only apply to secondary level and vocational training – they do not apply to universities.

Estonia

There are no arrangements for the accreditation of experience for entry to a Bachelors, or other first level HE studies without the normal end of secondary school certificate.

For entry to Master studies a first level HE certificate is required and for doctoral studies a Masters level or equivalent certificate is required.

It is possible to obtain accreditation for up to 50% of a Bachelors, Masters or Doctoral diploma and it may be more than 50% if the prior learning has taken place in the same university. Two kinds of accreditation are allowed:

- Accreditation of prior certified learning – in other HEIs and in other education and training institutions; further education studies can be accredited if an examination was taken at completion. The level of the studies must correspond to the requirements of the University curriculum.
- Accreditation of experiential learning – work experience connected with the University course for the completion of practice programmes and subjects involving practical skills. Exceptionally, work experience may be accredited for other subjects but a knowledge test must be passed. It may also be used to fulfil additional criteria if the certified learning has passed its validity date, if the volume of the certified learning is smaller than normally required or if a preliminary examination has not been passed.

Finland

Validation for access to formal education is possible through two arrangements: 'special case' and 'separate selection'. It is also possible to sit the entrance examination without having followed a course previously.

Students with upper secondary general and vocational schools certification can enter polytechnics or universities.

In the polytechnics, up to 15% of the entry requirements can come from work experience in 'special case' admissions.

In the universities, there are two categories of 'separate selection'. The first involves those coming for the Open University programme, those selected to special Masters programmes, and those selected to competency/ transformation training (eg nurses training as doctors). In the competency training programmes work experience can be taken into consideration. In 2003, 1.8% of all entrants were admitted from the Open University route, 6.2% into transformation programmes and 10.6% to special Masters. The second involves people with a 'special permit' whom the university admits on the basis of an entrance exam or other means. In 2001, only 0.2% of entrants were admitted through this route.

France

A decree in 1985 gave universities the power to admit students to all diplomas, without the Baccalaureate and/or the usual entry qualifications on the basis of work experience. Candidates have to be over the age of 20 with a break of at least 2 years since leaving initial education.

In 1992, this was extended to allow part of a university diploma to be awarded on the same basis.

In 2002, this was further extended to allow the whole of a diploma to be awarded on the basis of the whole experience of the candidate (personal, social, professional, voluntary etc). It is a right for individuals and a legal obligation for training organisations, including universities.

Greece

Legal situation is that all entrants to university (including the Hellenic Open University) must have the 'Lyceum Diploma'. People who have followed the technical/vocational route after secondary school in the HE Technical Schools and have achieved the HE Diploma, may be admitted to a university course through an entrance exam – this may be directly into year 2 or year 3 – a decision of the university. Up to 1990, teacher training was delivered in Teacher Training Institutions with admission on the basis of the Lyceum Diploma; since that date teaching training is a university course and admission follows the general rules. Teachers who qualified under the old system can upgrade their qualifications by following university courses (often on a distance learning basis) and can be exempted from courses based on a formula which reflects the number of years experience they have: from a programme with an average of 38 courses, teachers may be

required to take only 10, or 20 or 28. This procedure is picking up young teachers from abroad (e.g. former Yugoslavia). It is a standard formula– not an individualised procedure.

The Bologna law is in progress – it will permit universities to set up Institutes of Lifelong Learning where more flexibility will be possible but not yet clear (end 2004) who will teach in them and how they will be financed. A new minister has just been appointed and so new law is delayed. There is resistance from Rectors who argue that there is no population for validation of non-formal and informal learning because the economy is based on SMEs not large companies where such learning would take place (!!).

Italy

For Bachelor's, Masters and PhD the requirement for entry and for exemptions from part of a diploma are the same: for Bachelor's all entrants and candidates for exemption must have the secondary school certificate, for Master's all entrants and candidates for exemption must have the Bachelor's degree and for PhD all entrants must have the Master's. It is not possible to get any exemptions for part of a PhD. In theory, universities could exempt candidates from all courses (except the thesis) on the basis of validation of non-formal and informal learning but it is highly unlikely that a candidate would be awarded all the courses on that basis. However, there is no data available.

Similarly for professional diplomas, entrants and candidates for exemption require the first level professional diploma, or the secondary school certificate or a bachelor's degree depending on the level of the course

For continuing education programmes there is no common framework; entry is regulated by the institution offering the course and much depends on the level of the course.

Normally students register for the diploma then present a study plan which is discussed with the professor who decides on any exemptions. As a final step, the study plan must be approved by a Committee, which is responsible for the organization of the degree the candidate is seeking.

Lithuania

There are various laws governing education in Lithuania – the basics of higher education and set out in the Law on Higher Education adopted in 2000 (replacing the previous law of 1991).

The upper secondary leaving certificate (brandos atestatas) is required by all HE institutions (colleges and universities) for entry to a bachelor's programme and admission is competitive; a Bachelor's diploma is required for entry to a certified engineer programme, a Bachelor's or a relevant professional qualification is required for entry to a Master's, and a Master's diploma is required for entry to a PhD programme. There are no exceptions to this and no possibility to award part of a diploma on the basis of validation/recognition of non-formal or informal learning. There are no significant differences between the universities and the non-university institutions in this regard.

Norway

The Competence Reform introduced the notion of 'realkompetanse' – equivalent to the idea of lifewide learning; there is a focus on validation in relation to the formal system.

APEL is possible to meet general entry requirements for adults aged 23 or more, with at least 5 years of work experience, and who possess competences in at least 6 subjects; assessment is carried out centrally by the Universities and Colleges Admission Service (Samordnet Opptak) and is financed by the institutions collectively.

APEL for entry to a specific subject area is available for adults aged 25 or more; the assessment is carried out and financed by the institutions individually.

There are no centralised regulations – each institution sets its own.

Exemptions from courses and exams is possible on the basis of 'realkompetanse' but little practiced by the universities.

Portugal

In Portugal all entrants to universities programmes under the age of 23 must take the normal entry examinations. For entrants over 23, there is an 'ad hoc' exam' which they can take without special preparation courses; there is open access to the exam.

There are special arrangements for people who have passed 'Courses of Technological Specialisation' (CETs – level 4 professional qualifications) and also have 18 months professional experience. These courses are developed in collaboration with a university and are open to people without the university entrance examination; they consist of a mixture of classroom and work-based learning. With this diploma, entry to the University which was involved in the course development is not guaranteed – it has to be done in the same way as other entrants (ie under 23 normal exam and over 23 ad hoc exam) but once admitted to the Bachelor's degree it is possible to get credits for part of

the CET within the Bachelor's programme – some of the credits can come from the 6 months work based learning that is part of the CET, some credits can come from the 18 months post-diploma work experience. So it is a kind of overlapping arrangement but one which retains the normal entry requirements of the University. There is a new law, not yet implemented, that allows people over 23 to enter the CET on the basis of recognition of professional experience and then to apply to the university in the normal way at the end of the CET.

There is a new law in progress that will enable part of a Masters to be awarded on the basis of work experience (to be confirmed); but there is no indication that the law will make it possible to enter a Bachelor's without the school certificate or to enter a Master's without a Bachelor's diploma. Some changes are expected in continuing professional development for teachers – maybe to make it possible for experienced teachers (with teaching qualification) to get a Bachelor's on the basis of their experience. At present there are some teachers who cannot get promotion because they don't have a Bachelor's (in Education Administration).

Romania

The Bologna Process is in its first implementation stages in Romania, in all 49 state universities, as well as in the 37 private, accredited universities. Therefore, no mechanisms for recognising non-formal and informal learning are operational yet at the tertiary level. By law, the Baccalaureate diploma (the upper secondary national leaving examination) is compulsory for entering tertiary level and universities have the freedom to take it into consideration in various proportions when organising their entrance examination, usually based on "numerus clausus". On the other hand, the credit system is functioning at tertiary level and, partially, at pre-university level, but no link between the two is yet established in terms of recognition. The Ministry of Education National Strategy for 2006-8 stresses on the decentralisation process and increasing autonomy at institutional level. New legal provision in this respect is expected by the end of this year (2006).

Thus there is no APEL available in Romania for entry to courses: for entry to a Bachelor's degree the Baccalaureate diploma is required, for entry to Master's the Bachelor's is required, and for entry to the PhD a master's is required. There is also no arrangement for awarding part of a diploma on the basis of APEL.

Switzerland

There is no national official procedure for recognising non-formal and informal learning in Swiss universities. However, for many years institutions have developed practices that enable adults who do not

have the normal entry qualifications (maturité) to enrol – since 1977 at the U of Geneva. The UoG regulations require that the applicants must be over 25 years old and have at least 3 years of professional experience – beyond this each faculty has its own arrangements (eg some a dossier, some an exam). Assessment is based mainly on the length of relevant experience or other relevant studies rather than the quality of the experience or of the learning.

UK

There are no national regulations – all universities are autonomous with regard to entry qualifications and the award of diplomas/degrees. It is important to note that all degrees are 'of the university'; they are not national or state diplomas. Entry is possible at all levels by formal APEL procedures but also by informal arrangements, since each course director has discretion to admit anyone who s/he believes has the ability to succeed. Most universities have some limit on the number/proportion of students without the 'normal entry qualifications' who may be admitted to any particular course. There are some exceptions to this eg top-up degrees – normally of one year designed for specific groups who have clearly defined professional qualifications and experience (eg nurses); or work-based degrees which are clearly organised around work experience. All universities are able to award part of their degrees on the basis of non-formal or informal learning – those who do this normally have a limit – the most common is 25% on the basis of APEL but some state 50% and this may vary between courses as well as between universities. Not all universities admit students in this way or award part of degrees in this way – it is entirely within the authority of each university.

3. Implications for Refine project

It is clear that for many of the universities that have been participating in the Refine project, the testing that they were able to undertake was limited and/or simulated; it was not possible to use 'real candidates' as such 'real practice' is not allowed by law. The institutions in that situation were mostly therefore engaging in testing the tools in order to gain some experience in a procedure that they may be able to develop in the future (for example in Greece if the university is able to create a LLL institute, or in Portugal in anticipation of possible changes in the law), or that they may be able to use in specific situations (eg for language competence of teachers in Romania).

It is also clear that the experience gained by those engaged in the testing in this project have gained insights into the process and procedures but that this experience cannot be embedded into their practice or into the institutional arrangements – at least not yet.

4. Recommendations

It is clear that in many countries legislation is required to implement this aspect of the Bologna agreements that is to enable universities to recognise non-formal and informal learning both for entry to diploma course and for the award of part of the course or some credits of the total required for the diploma. Our recommendation to the Bologna follow-up group is that this aspect of the Bologna process should be followed more closely and Member States should be asked to state when such legislation will be enacted.

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References

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