

## DIRECT LEGISLATION TO ESTABLISH A SERBIAN NQF

### *Introduction*

1. At the second meeting of the Working Group some members expressed doubts about whether it would be sensible to establish a new body to control a Serbian national qualifications framework (NQF). Difficulties might include the timescale to establish a new body, problems about which Ministry it should be financed through and how members might be appointed. There will also be costs associated with any new body, however small.

2. As an alternative it may be worth considering establishing an NQF directly by law, giving responsibilities to the existing ministries such as to satisfy the two minimum requirements of an NQF which satisfied the European Qualifications Framework<sup>\*</sup>, namely that:

- there is a system of levels;
- there is some minimum form of quality assurance.

### *An illustration*

3. The Annex to this note shows the outline of a law which would achieve these purposes. It has the following characteristics (references are to sections in the Annex)

- The MoES and the MoL would each have the power to authorize the issue of certificates bearing the title 'Serbian National Vocational Qualification'. No other bodies in Serbia would be permitted to use this title (1,2). This means that certificates attesting to training could be issued by others (e.g. companies, international bodies, language schools *etc.* but they could not bear the official SNVQ title).
- It would be possible, but not required, for the two Ministries to act jointly (3). One might hope that joint arrangements would be made, but the establishment of an Serbian NQF would not depend on joint working.
- Each SNVQ would have a different title (4). This is to prevent confusion that might be caused by two materially different qualifications being called the same thing.
- Each SNVQ with a different title would be assigned a level by the Ministry which authorized it. The level descriptors would appear in the law (6), and each SNVQ certificate would need to show its level (e.g. 'SNVQ in Watchmaking, Level 2'). The levels could then be mapped onto the EQF. By including a reference to level in the title of the qualification one could avoid confusion (e.g. 'SNVQ Watchmaking, Level 2', would evidently be different from 'SNVQ, Watchmaking, Level 3').
- Specifications for each qualification would be published and therefore open to public scrutiny and discussion (7). Amongst other things the published specifications would allow other providers to consider whether they would wish to seek accreditation to offer an SNVQ – this might be of value for adult training for example.
- The specifications could take varying forms. They could take the form of standards (7(a)), of a defined curriculum (b) or defined assessments (c). A combination of these methods could be used. One would expect, for example, that school qualifications would be more tightly specified (using (a) and (b), and perhaps (c)), whereas adult qualifications would perhaps simply be expressed in terms of standards (a)). This variation in the degree of specification of detail is common in other countries. It would be up to each Ministry to

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<sup>\*</sup> assuming that there will be no major changes to the proposed structure of an EQF.

decide what degree of specification it would use, but it would have to use one of these methods.

- Section (8) allows Ministries to seek advice from social partners in drawing up the specifications. It is recommended that this power be included in the legislation to prevent any accusation that Ministries have improperly listened to particular groups in drawing up qualifications. This provision could of course be expressed more strongly if we chose, as a duty (requirement) to consult, but to take this step would mean that difficulties could arise if, in the case of a particular qualification, there were no established workers or employer organizations with which to consult. It is probably, therefore, best to make this a power rather than a requirement at this stage.
- In practice it is not envisaged that the Ministries themselves would issue the certificates (though they should have a reserve power to do so). Section (9) therefore allows them to designate suitable organizations to issue the certificates on their behalf. Of course these will be the vocational schools and training providers, though they might in time include individual enterprises. Where a Ministry does delegate powers to issue a certificate to a school or training provider, it must publish the criteria for acceptance (in the case of the Ministry of Education this might simply be that the organization is a recognized school). The Ministries would have the duty to monitor these organizations (c) and their criteria must include the right of entry for inspection (a). All this is to give a basis for quality assurance.
- Both Ministries have specialized agencies dealing with education and training (for example, the Institute for Educational Development and the National Employment Service). Section (10) allows them to delegate their powers and duties in this legislation to another body established under Serbian legislation. In the future this might include a special qualifications authority, but Section (10) would allow them to delegate functions to an existing agency, or indeed to each other. These provisions would allow some flexibility as institutional changes occur in Serbia.

### **Comments**

4. This approach has certain disadvantages, for example:
  - it does not bring about an entirely unified system of qualifications – unless the two Ministries agreed, they could develop rather different types of qualification. The only common features would be the levels, and some basic requirements for quality assurance. It should be noted, though, that substantial differences in the styles of qualification for adults and young people exist in many EU countries;
  - there is no requirement for a common sectoral organization. It is to be hoped that the Ministries might jointly agree such an organization, but they would not have to. This means that the school system might continue being organized in pedagogical groupings (*područje rada*) while the adult system might be organized on an industrial sector basis. On the other hand to specify a sectoral structure in law would be rigid – there would need to be legislative amendments as the shape of industry changed. A requirement that the two ministries should agree a sectoral organization could be a recipe for inaction if there were difficulties in making such an agreement.
  - for the same reason the direct inclusion of the levels in the legislation could result in rigidity. However, giving each ministry the power to set its own levels would effectively mean that there was no national framework with common recognition across school and adult qualifications.
5. These disadvantages are real. On the other hand this approach does mean that the basis of a simple national qualifications framework could be established quite quickly, without necessarily gaining commonality and agreement between the ministries or establishing new bodies. It would, though, permit voluntary co-operation and progressive unification as time goes by, while underpinning a common system for levels, assigning titles to qualifications and requirements for quality assurance.

## OUTLINE FOR LEGISLATION

1. The Ministry of Education (MoES) and the Ministry of Labour (MoL) may make arrangements to issue certificates to persons under the general title 'Serbian national vocational qualification' (SNVQ).
2. No other body or individual may issue certificates with this title.
3. The Ministries may make these arrangements jointly or separately.
4. Each certificate with the general title SNVQ shall also have a specific title.
5. Each Ministry shall ensure that a record is kept of each person to whom it has issued a SNVQ certificate.
6. The MoES and MoL shall assign any certificate with the SNVQ title to a level as given below. In assigning a level they shall have regard to the criteria in the column labelled 'descriptor'. The level assigned to an SNVQ shall be included in its specific title.

| Level  | Descriptor   |
|--------|--|
| 1      | XX |
| 2      | XX |
| 3      | XX |
| 4 etc. | XX |

7. The Ministries shall devise and publish specifications for each SNVQ which has a specific title. Such specifications shall include:
  - a. accounts of what students who are awarded certificates with a specific title should attain in terms of knowledge, skills or competences, or;
  - b. the curriculum to be followed in instructing students to gain a certificate with a specific title, or;
  - c. assessments which students intending to gain a certificate with a specific title should be required to pass, or;
  - d. a combination of (a) – (c).
8. The Ministries may consult organizations which appear to them to represent employers and workers in devising the specifications in (7).
9. The MoES and the MoL may designate organizations which appear to them capable of providing education, training or assessment of sufficient quality to award SNVQ certificates on behalf of the Ministry concerned.
  - a. The Ministries shall publish criteria under which they shall determine whether or not to designate an organization. Such criteria shall include a right of inspection by the Ministry or a body nominated by it.
  - b. The Ministries may delegate their power to issue SNVQ certificates to designated organizations. Such delegation may be either for all SNVQ certificates authorized by the Ministry or for a defined sub-set of them.
  - c. The Ministries shall make arrangements to monitor designated organizations.

- d. The Ministries may withdraw accreditation of a designated organization such that it may no longer issue certificates on the part of the Ministries. Such withdrawal of designation may be either permanent or temporary.
10. The Ministries may delegate any of their powers and responsibilities under any Section to a nominated body set up under legislation.
- a. The MoES may delegate its powers or responsibilities under any Section to the MoL.
  - b. The MoL may delegate its powers or responsibilities under any Section to the MoES.