

Chapter 3

Policy and Legislative Environment

The strategic value of RVA comprises the first of three analytical categories identified in Chap. 1. This chapter offers an analysis of a cross-section of international experience in the area of policy and legislation on RVA and lifelong learning.

Policies and legislation that endorse the recognition, validation and accreditation of non-formal and informal learning, whether as part of educational reforms or the establishment of NQFs, are powerful tools and drivers of the RVA of non-formal and informal learning. Countries as diverse as the Scandinavian nations, the Czech Republic, Latvia, Mexico, Cambodia, Thailand, and Trinidad and Tobago all have policies backed by legislation that reinforce efforts to value and recognise non-formal and informal learning. Legislation of this kind not only improves the likelihood that competences will be recognised in formal education and/or training systems, it also bolsters efforts to garner support for recognition processes across a number of areas. This effect is most pronounced in the political sphere, but also extends to social partners and other ministries. Moreover, legislative acts are important if countries are to draw on both public and private investment in the development of new qualifications and competency systems. These factors have made legislation a popular means of advancing the case for recognition across a variety of countries with disparate national goals.

Within this context, Werquin's classification of countries in terms of models and "best practices" (Werquin and Wihak 2011 p. 164) offers a useful point of reference. Werquin highlights key differences among OECD countries in a format that identifies countries as possessing a fully developed "system", a "quasi-system", a "consistent set of practices", a "fragmented set of practices", "some practices", an "initial stage", or "nothing". Two of Werquin's categories (Werquin and Wihak 2011, p. 164) for the description of models and "best practice" are of interest here; namely the distinction between a fully developed "system" and a "quasi-system" of RVA. Werquin defines the two in the following manner:

- “System: inclusive policy, a vision, a culture of Recognition of Non-formal and Informal Learning (RNFIL), and a global system. In detail: a legal framework or political consensus, practice, all groups or individuals, financial provision, quality assurance, all levels and sectors of education and training, high level of acceptance by the society, evaluation of the system (data, research . . .).
- Quasi-system: inclusive policy, a vision, and a global system. In detail: a legal framework or political consensus, all groups or individuals, financial provision, quality assurance, all levels and sectors of education and training” (See Werquin and Wihak 2011, p. 164).

What is interesting here is the importance given to the role of policy and legal frameworks as key elements in the development of a “system” or “quasi-system” of RVA. According to Werquin’s classification, none of the countries included within the OECD study possess a fully developed RVA system. Only Ireland, the Netherlands, Denmark and Norway can be described as possessing a quasi-system of RVA.

3.1 Policy and Legislation Relating Specifically to RVA

In line with Werquin’s distinction between countries with fully-developed systems of RVA and those with quasi-systems, a distinction can also be made between those countries with uniform legal frameworks for RVA – such as Norway, Finland and Denmark (countries which display quasi- systemic characteristics) – and those countries in which policies and legislation relating to RVA are located within the context of education and training systems (i.e. countries that have not yet developed systems or quasi-systems of RVA). However, a third group of countries, which includes the USA, is particularly notable for its high levels of RVA activity combined with a lack of RVA-related government policy or legislation. This is because policies and RVA processes in the latter countries are institutional.

3.1.1 A Uniform Legal Framework for RVA

Legislation is a distinctive feature of RVA in the European context. Its formulation is guided by the European Council Resolution on Lifelong Learning (Council of the European Union 2004), which stresses that lifelong learning includes all learning from pre-school age through to post-retirement, including the entire spectrum of formal, non-formal and informal learning. The Resolution also reaffirms the effective validation and recognition of formal qualifications as well as non-formal and informal learning across countries and educational sectors, through increased transparency and better quality assurance. EU Member States are invited to encourage co-operation and the establishment of effective measures to validate learning

outcomes, both as a crucial means to building bridges between formal, non-formal and informal learning and as prerequisites for the creation of a European area of lifelong learning.

Most countries in the European Union have explicit laws and regulations that provide a general framework for RVA within various sectors of education. In Norway, the Competence Reform (*Realkompetanse*) of 1999 guarantees the right of individuals – particularly adults – to primary, secondary and higher education services that are adapted to their needs and circumstances. Accordingly, laws and regulations exist which describe a general framework for this form of validation at every level of education. Another objective of this reform was to establish a national system for documenting and validating the non-formal and informal learning of adults that would be acknowledged in workplaces and within the education system. These principles are now anchored in legislation and have been reflected in the successive introduction of various elements which together comprise a national lifelong learning policy package (Christensen 2013).

At a strategic level, there has been a trend towards policies aimed at creating broad, differentiated opportunities for competence development. In the Strategy for Lifelong Learning 2007 (Norway. Ministry of Education and Research 2007), the validation of informal and non-formal learning was identified as a central priority. The government's Initiative on Lifelong Learning 2009 urged the promotion of a system for the validation of prior learning. The principles underpinning this validation system apply across all sectors and specify, among other provisions, that the validation process should be voluntary and beneficial to the individual. The opportunities, rights, and benefits relating to this validation process are promoted by various stakeholders at a local and national level.

Other Scandinavian countries – Finland and Denmark – present a similar situation. In the case of Finland, policy relating to learning outside the formal system is included in the country's Development Plan and is defined primarily in recent education legislation which provides for the recognition of non-formal and informal learning in the various education sectors, including comprehensive schools, upper secondary schools, post-comprehensive vocational institutions and adult vocational education (Blomqvist and Louko 2013). In Denmark, Act No. 556 of 6 June 2007 allows for the recognition of non-formal and informal learning by adults within the education and training system within the context of a comprehensive adult education and training system. The Act covers the following programmes for adults: subjects within general adult education (at primary or lower secondary levels) at Adult Education Centres; general upper secondary subjects at (also called higher preparatory single subjects); adult vocational training programmes; adult vocational basic education programmes; short-cycle post-secondary adult education; medium-cycle post-secondary adult education (diploma degrees); Adults are entitled to have competences previously acquired in non-formal and informal learning settings assessed by educational institutions (Andersen and Aagaard 2013). The Act has met with a high level of support, resulting in both public and private investment in the development of new qualifications and competences. In addition to this, Denmark has promulgated legislation for vocational education and training (VET)

which includes the general principle of individual competence assessments as a basis for the preparation of personal education plans (Denmark. Ministry of Education (Undervisningsministeriet) 2008). The evaluation of legislation as a means to facilitate discussion of its outcomes and necessary future actions is an on-going process in some countries. In 2010 and 2011, the Danish Ministry of Education evaluated Act No. 556 (Denmark. Institute for Evaluation (EVA) 2010) with the aim of developing a new RVA action plan. The results of this evaluation were discussed by the Council for Adult Education and Training (VEU-Rådet).

In France, a key driver of RVA has been the validation of acquired experience (VAE) through the Social Modernisation Law of 2002, (France. Ministry of Employment and Solidarity, 17 January §133-146) together with two decrees, a general decree (No. 2002-615) and a specific one for higher education (decree No. 2002-590). This law made it possible to award full official qualifications on the basis of personal and professional experience if the candidate has been involved in paid, unpaid or voluntary employment or activity for at least three years. This legal framework extended the procedure to all educational institutions awarding qualifications registered in the Qualifications Register.

According to Werquin (2012), France has several coexisting laws, serving a range of specific purposes, such as the Bilan de Compétences (1991) which serves the specific purpose of providing workers with reskilling opportunities, particularly in the use of new Information and Communication Technologies (ICTs), which are having a big impact on the content of trades and occupations. Another specific feature of the French legislation is that none of the new laws have totally replaced previous ones in the same field. The VAPP 85 that established the principle of Validation of Occupational and Personal Learning Outcomes is used together with the Social Modernisation Law of 2002 to gain access to universities. In fact, it has been a tradition in the tertiary education system to use validation of occupational experience for access since the 1930s. Since the adoption of Validation of Acquired Experience (VAE) in the Social Modernisation Law of 2002 a significant investment has been made in the adult or continuing vocational education and training (CVET). While the Ministry of labour is in charge of lifelong learning in general, and of adult learning in particular, public policy concerning CVET has been highly decentralised and is overseen – and funded – by the regions. Companies must allocate a training budget equivalent of at least 1.6 % of their payroll to training employees.

Mexico has granted legal status to RVA through Agreement 286, which is designed to give learners access to all levels of the education system by offering an alternative pathway to that provided by the formal system. This Act also allows equivalences of competence certificates with credits of formal education programmes at the vocational and professional levels. The Mexican approach eschews adding new levels to the accreditation system, and instead distinguishes between separate pathways to the same educational or qualification outcome. The informal and non-formal pathways, though outside the traditional institutional structures, are nevertheless considered significant enough to be deemed equivalent pathways to a qualification (Campero Cuenca et al. 2008).

3.1.2 RVA Policy and Legislation Set in the Education and Training System

Germany, Austria, the Czech Republic, France, Republic of Korea, Canada and Mexico have located RVA policy and legislation within their respective education and training systems. In contrast to the Scandinavian countries, Austria does not have a uniform legal framework or an explicit RVA national strategy that includes *all* sectors, but it does have relevant legal acts and regulations set in the formal system of education allowing ministries and institutions to develop a variety of mechanisms and arrangements for RVA (Austria. Federal Ministry of Education Arts and Culture 2011). In Germany, RVA is an institutionalised part of the education system and, above all, the dual system of vocational education and training. The Vocational Training Reform Act, which came into force on 1 April 2005, reformed and amalgamated the Vocational Training Act and the Vocational Training Promotion Act with the policy objective of dismantling barriers between education and vocational training (including work experience), and facilitating the translation of such recognition into both qualifications and employment benefits where possible (Germany. Federal Ministry of Education and Science (BMBF) 2008).

In the Czech Republic, the legislative framework for RVA is outlined in Act No. 179/2006 Coll., on the Verification and Recognition of Further Education Results, implemented on 1 September 2007. This legislation provides a definition of the term ‘qualification’ (full or partial) and establishes a national qualifications register. In accordance with Act No. 179/2006, any individual over the age of 18 years who has completed (as a minimum) basic education can request the assessment of their learning outcomes in view of achieving a partial qualification (Stárek 2013).

Staying in Europe, but in contrast to these broader aims, Latvian policy and legislation focuses on particular sections of the education system. The Education Law, which forms the basis of education policy in Latvia, stipulates that teachers in the education sector (except in higher education institutions) are entitled to receive pedagogical training through self-directed or further education programmes (Šiliņa 2008). This initiative, comprising a one-year process of diverse training modules, begins with a procedure to validate participants’ prior experience, skills and relevant activities in the field.

In the Republic of Korea, the Academic Credit Bank System (ACBS) has a strong statutory foundation. The Act on the Recognition of Credits etc. of 1999 recognises non-formal and informal learning. Degrees conferred through ACBS are recognised as equivalent to those of a university or college under the Higher Education Act. No legal discrimination is made between university graduates and ACBS degree holders (Baik 2013). Indeed, in 1990, prior to the implementation of the ACBS Act, the Korean government had already established a legal basis for the attainment of bachelor’s degrees through self-education programmes comprised of self-directed learning systems. Credits are also awarded within the ACBS through job-training institutions accredited by the Ministry of Labour. These institutions

rely on the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons and on lifelong education centres associated with universities (Republic of Korea. Ministry of Education, Science and Technology 2009).

In the Philippines, Executive Order No. 330 allows individuals who have acquired work experience and expertise through non-formal and informal training to be awarded appropriate academic degrees in higher education institutions by the Commission on Higher Education. This executive order was adopted by the Expanded Tertiary Education Equivalency and Accreditation Programme (ETEEAP) as an integral part of the educational system, and designated CHED as the authority responsible for its implementation. In addition to this, under Executive Order 358, the Technical Education and Skills Development Authority (TESDA) and CHED are jointly charged with the promotion of the Ladderised Education Programme. Under the existing model, TVET qualifications are embedded in the curriculum of the degree programme. This allows the individual free entry and exit. There are also schools equipped with open learning systems which factor in the experiences of learners, although not necessarily in the form of accreditation. Other RVA tracks include accreditation programmes, such as the Non-Traditional Studies Programme of the Polytechnic University of the Philippines (PUP), which assesses 72 units of college education and accreditation of prior learning; the open distance learning courses operated by the PUP and the University of the Philippines; and per unit study options leading to college courses at the PUP and the Far Eastern University. Beyond these accreditation programmes, the Philippines Commission for UNESCO reports that the Philippines has yet to put in place a national RVA system (Philippines. National Commission for UNESCO 2011).

3.1.3 Policies Are Institutional

In comparison to countries in Europe and developed Oceania (Australia and New Zealand), it is interesting to note that the USA achieves high levels of RVA activity without undertaking government initiatives. Policies and processes for RVA (or Prior Learning Assessment, as it is known in the USA) are institutional. The governing structure of higher education is locally controlled within each individual state, although financial support is delivered through a combination of individual, local, state and federal funding. Secondly, there are no federal curricular standards that all institutions of higher education must follow. Although some rules and regulations exist for institutions receiving federal support, these do not regulate the particulars of curricular decisions. Some states (e.g., Minnesota, Oklahoma, Pennsylvania and Vermont) have created state-wide systems for supporting and evaluating Prior Learning Assessment (PLA). The Pennsylvania Department of Education has developed the Pennsylvania Prior Learning Assessment Consortium, which is comprised of institutions that have agreed to follow the consortium's guidelines. In Vermont, PLA is conducted through an office within the Vermont

State College System and credits are transferable to each of the state colleges by agreement. Educational institutions and workplaces are responsible for the quality of their own PLA assessments and services. A federal initiative directed towards PLA does not exist as there are no regulations to monitor enforcement. However, the USA does possess a national system of accreditation for colleges and universities with the power to influence their PLA processes. The six regional commissions are voluntary, non-governmental membership associations that define, maintain and promote excellence across institutions by accrediting whole institutions.

The Middle States Commission on Higher Education and the North Central Association of Colleges and Schools Higher Education Commission are two examples of commissions that set out principles, standards and guidelines for awarding credit for experiential learning through PLA. Regional accreditation bodies also set PLA guidelines for institutions; the philosophy, policy and practice for accepting PLA credits, established by individual institutions, must reflect local faculty agreement. Consequently, departmental policies and the practices of individual faculty members govern the actual practices of credit. PLA policies and processes in the USA are established within educational institutions and workplaces on an entirely individual basis. Accordingly, with respect to matters of accreditation and quality assurance, educational institutions and workplaces are responsible for the quality of their own PLA assessments and services (Travers 2011).

3.1.4 RVA Legislation in Working Life

The involvement of social partners (including professional associations) is a key feature of RVA legislation. In Norway, the new basic agreement for 2010–2013 between the Confederation of Norwegian Enterprise (NHO) and the Norwegian Confederation of Trade Unions (LO) emphasises the importance of making prior learning visible, stating in § 16-4 of the Documentation of actual competence (i.e., informal learning): “It is important that the enterprise has a system for documenting the individual’s experience, courses and practice related to the employment relationship.” (Norway. LO and NHO 2009, p. 42). For many adults who may have worked in a trade for years with little schooling and without any professional qualification, the desire to obtain formal trade certification is a key driver of RVA. Experience so far shows that validation is often geared to obtaining a trade certificate (Christensen 2013).

In France the Social Modernisation Law of 2002 was consolidated in the law of 4 May 2004, ratifying the social partners’ unanimous agreement of 2003. Further legislation (including the Decentralisation Act of 2004) extended the scope for RVA, along with numerous inter-professional agreements encompassing various professional sectors and companies (Paulet 2013). The Law on Lifelong Vocational Training and Social Dialogue, which enables employees to access training outside working hours, is another important legislative instrument, as it gave employers an important role in RVA. The main purpose of this reform was to empower employees

to take charge of qualification and skills development in order to strengthen the link between vocational training and career progression, and to overcome the divide between employer-driven training pathways focussed on specific workplaces and self-motivated training undertaken by individuals. There has been significant growth in the number of professional training contracts in the wake of these reforms and 100,000 professional training contracts had already been ratified by 2005. These professional training contracts serve to construct on-going courses for employees and are designed to stabilise them in their jobs and to enable them to advance in their careers. Moreover, RVA measures enable many individuals to obtain an annual certification of their skills and acknowledge the formative nature of work (or of another activity) (Paulet 2013). Awareness of the right of employees to training is growing and all employees now have a capital of acquired rights. RVA is fully integrated in enterprise skills development strategies and has met with a favourable reception in public opinion.

In Germany, the inclusion in collective agreements of arrangements for the recognition of experience-based non-formal and informal learning is particularly conducive to the development of RVA. A legal basis for the recognition of employees' skills and qualifications in collective agreements is provided by Article 9 Section 3 of the Basic Law, in which freedom of association is defined as a fundamental right; and the Collective Agreements Act, which asserts the principle of the autonomy of collective bargaining. Pursuant to these, employers and employees are free to agree on working conditions in companies with no regulatory intervention by the state. In addition to defining pay and working hours, this includes arrangements for training and continuing education (Germany. Federal Ministry of Education and Science (BMBF) 2008, p. 50).

While the general institutional framework for recognising non-formal and informal learning in Mexico is governed by the Ministry of Education Agreement 286 (Acuerdo 286 de la SEP; issued on 30 October 2000), labour competences are equivalent to full or partial formal programmes, at technical and/or professional levels of the national education system.

3.1.5 Laws to Improve the Recognition of Foreign Professional Qualifications

The German federal government passed the draft of the Law to Improve the Assessment and Recognition of Foreign Professional Qualifications (Recognition Act) in March 2011. This draft included a new federal law, the so-called Professional Qualifications Assessment Act along with amendments to existing regulations relating to the recognition of vocational and professional qualifications across roughly 60 occupational and professional laws and ordinances at a federal level. The federal states have announced changes in regulations within their jurisdiction to improve procedures for the recognition of teachers, pre-school teachers and engineers. Previously, relatively few professionals entering Germany were able to have their

vocational qualifications assessed. The new federal law will greatly extend the entitlement to an assessment of foreign vocational qualifications (Germany. Federal Ministry of Education and Science (BMBF) 2012).

3.2 RVA Subsumed Under NQFs and Their Regulatory Bodies

France, Australia, New Zealand, Mauritius, Portugal, Namibia, Scotland, England, and South Africa have all subsumed RVA within legislation regulating NQFs and their regulatory bodies. In Australia, RVA was introduced in the early 1990s as part of a larger national training reform agenda that included the Australian Qualifications Framework (AQF). As Cameron (2011) notes, RVA is standard and a requirement of any accredited training delivered within the AQF. Every qualification in the AQF is categorised according to the educational sector responsible for its accreditation. Likewise, in New Zealand, the standards for qualifications in relevant schools and in tertiary education dominate the discourse on recognition. Under section 246A (1) of the Education Act 1989 (New Zealand Government 1989), the functions of the New Zealand Qualifications Authority (NZQA) include mechanisms for the recognition of learning (for example the recognition of learning through qualifications gained and standards met). The New Zealand Qualifications Framework (NZQF) is designed to optimise the recognition of educational achievement and its contribution to New Zealand's economic, social and cultural success (Keller 2013).

Education and qualifications in Scotland and Wales are the responsibility of the Scottish Government and Welsh Government and their agencies. In Scotland, for example, the Scottish Qualifications Authority is the responsible body. RVA is driven by the Scottish Credit and Qualifications Framework (SCQF). Formally launched in 2001, the SCQF has generated renewed enthusiasm and momentum for RVA since 2005, increasingly driven by a workforce development agenda linked to employability and skills development. The SCQF is a descriptive rather than a regulatory framework, and "facilitates the awarding of credit and supports credit transfer and progression routes within the Scottish system" (SCQF 2005). It provides a model capable of integrating learning from different contexts, both formal and informal. In addition to the SCQF, this renewed interest in RVA at a national level is driven by government policy, as set out in *Skills for Scotland: A Lifelong Skills Strategy* (Scottish Government 2007a) and *The Government Economic Strategy* (Scottish Government 2007b). Efforts to harmonise the separate systems across the UK through a national qualifications framework have been in progress since the mid-1990s (Hawley 2010).

In Wales, the Credit and Qualifications Framework for Wales (CQFW) has, since 2002, been developed (Welsh Assembly Government 2010). It is intended to facilitate "parity in the recognition of achievement for learners of all ages, whether

they are learning in the workplace, community, at school, college, university.” The framework comprises three pillars, including frameworks for regulated general and vocational learning (the NQF and QCF), the Framework for Higher Education Qualifications (FHEQ), and Quality Assured Lifelong Learning (QALL). QALL encompasses learning which takes place outside regulated qualifications. It may include adult and community learning, company training, non-formal and informal training.

The NQF models implemented in England, Wales and Northern Ireland draw substantially from the Scottish model. In England and Northern Ireland the Qualifications and Curriculum Authority (QCA) is the responsible body and has recently completed a major project to establish and implement the Qualifications and Credit Framework (QCF), which replaced the National Qualifications Framework in September 2010. According to the QCF, qualifications are broken down into units comprising a number of credits each. Within the QCF all units of learning accrue value as credits within the education and training system, enabling learners to transfer learning from one context to another, steadily building upon previous experiences. Credits accrued by learners can ultimately lead to the award of a qualification. At present, over 1,300 approved qualifications fall within the framework and, as of March 2009, there were over 650 providers of relevant courses (Schuller and Watson 2009, p. 148). This framework is still in its initial stages and must be given time to fully develop, but these are positive early signs.

The South African Qualifications Act of the South African Qualifications Authority (SAQA) was promulgated in 1995 and provides the context for RVA in the post-apartheid era. This was replaced by a new NQF Act promulgated in 2008 and implemented from 1 June 2009 (Samuels 2013). Its key objectives remain unchanged and reinforce the importance of the underlying principles of mobility and progression, quality of education and training, and the redress of historical discrimination. The NQF Act in South Africa is an enabling piece of legislation for RVA. Through implementing all aspects of the Act, RPL could enter into the mainstream to become one of the ways in which learners can gain access to learning opportunities, achieve credit towards a formal qualification or be awarded a qualification should they meet all the quality assurance criteria of a specific qualification (Lloyd 2012). All three sub-frameworks of the Quality Council also speak to RPL. There are some challenges in the implementation of RPL: Two current statutory regulations are inhibiting the development and implementation of RPL: matriculation with endorsement as an entry requirement into higher education; and the 50 % residency clause. The endorsement requirements indicate certain subject combinations and particular grades at which these must be studied: At present there is no formal systemic funding for RPL in South Africa; A limited number of assessment centres focusing on RPL have been established based on local needs, in contrast to the priority given to RPL in national policy; and finally RPL should be an integrated feature of assessment policies of ETQAs and their constituent providers (Ibid.)

In Portugal, a legal regulation allows the New Opportunities Initiative to be linked to the NQF. The Decree Law of December 31, 2007 concerning the NQF

(Administrative Rule no. 370/2008) is also the basis for the regulation of various components of the adult education and training system (Gomes 2013). As a result, a comprehensive legal basis for the entire adult education and training system has been developed. The existence of this wide-ranging and comprehensive framework assists those institutions that are responsible for ensuring that Portugal's policies on adult education and RVA meet EU recommendations (European Commission 2004, 2008).

In Namibia, one of the objects of the Namibia Qualifications Authority (NQA), as stated in the NQA Act, Section 4(g) is to evaluate and recognise competences acquired outside formal education. The Act was promulgated in 1996 and, as a result, the recognition of non-formal and informal learning is legally provided for and is thus mandatory in Namibia. The challenges relate more to the implementation of this mandate. The NQA, together with the Namibia Training Authority, recently developed a national policy on RVA which was approved, in principle, by the Minister of Education. Once formal approval has been granted, this policy will be implemented.

In Mauritius, the Mauritius Qualifications Authority (MQA), the regulatory body of the TVET sector, introduced the concept of RPL "to recognise and validate competences for the purpose of certification obtained outside the formal education and training systems", that is both non-formal and informal learning, with the intention of bringing people back into the training system and/or enabling them to upgrade and sustain skills previously acquired through work and life experience (Allgoo 2013).

3.3 Lifelong Learning Policies and Legislation

There is a growing trend towards a perception of RVA as a key pillar of lifelong learning policies, legislation and strategies. RVA legislation in most European countries forms part of an overarching lifelong learning strategy for broader reforms in the education system and in society. Since the publication of the landmark European Commission report *Making a European Area of Lifelong Learning a Reality*, lifelong learning has been on the political agenda (European Commission 2001). The key elements of the lifelong learning strategy in Norway include (in addition to RVA legislation): rights-based basic education (13 years); building "bridges" between different types of education and training; avoiding dead ends the right to (unpaid) study leave for employees; career guidance; the right and obligation to Norwegian language training and social studies for immigrants/refugees; the general availability of a variety of further and continuing education and training opportunities; and finally, the development of appropriate and adequate financing arrangements for education providers and beneficiaries, including companies and individual learners (Norway. Ministry of Education and Research (RNMER) 2007).

Strengthening adult education services across the country, including those located outside the school system in local communities targeting job-seekers and

prison inmates has been the focus of the Norwegian government's 2007 Strategy for Lifelong Learning. The subsequent 2009 Initiative on Lifelong Learning states that RVA will be important to counteract the rising drop-out rate in secondary education and the problem posed by the large number of unemployed persons who have not completed upper secondary education (45 % of all unemployed). The development of a flexible system with the capacity to address the widespread need to reconcile education and training with work and family life was highlighted accordingly in a 2009 white paper (Christensen 2013).

Recognition and permeability are among the seven strategic goals of the Czech Republic government's lifelong learning strategy (Stárek 2013). In Denmark, the national strategy for lifelong learning is based substantially on 'Education and Lifelong Skills Upgrading for All', a report compiled for the European Commission in April 2007 (Denmark. Ministry of Education 2007). The strategy promotes participation in adult education and continuing training, and aims to improve opportunities for adults in the labour market (Andersen and Aagaard 2013). In France, the lifelong learning policy is closely linked to vocational training and social dialogue enabling employees to access training outside working hours (Paulet 2013). In New Zealand, the thrust of lifelong learning policy is centred on enabling flexibility in learning pathways through the New Zealand Qualifications Framework (Keller 2013).

In Japan, the Lifelong Learning Promotion Act was formulated in 1990. In addition to this, a commitment to the philosophy of lifelong learning was clearly expressed in the Revised Basic Act on Education (enacted 2006). Moreover, the Social Education Act makes reference to activities organised through libraries and museums. Home education is prescribed under the Basic Act on Education, while the Act on the Open University of Japan aims to provide the general public with a wide range of opportunities to access university education services through the effective utilisation of broadcasting media such as television and radio. The Human Resources Development Promotion Law is underpinned by the understanding that enabling workers to effectively demonstrate their abilities throughout their entire working lives will enhance both their status and job security. Accordingly, employers are encouraged to promote the development of their employees' vocational skills by providing access to necessary professional training services and affording employees the assistance necessary to secure opportunities to undertake job training relating to their work (Japan. Ministry of Education, Culture, Sports, Science and Technology (MEXT) 2008).

A growing number of developing countries have established lifelong learning policies and legislation. The Republic of Korea's Third National Lifelong Learning Promotion Plan runs from 2013 to 2017 (Republic of Korea. Ministry of Education, Science and Technology 2013). In Thailand, the National Education Act (1999) and the Amended Act (2002) state that educational management must be centred on a lifelong and continuing process of learning that identifies lifelong education as the integration of formal, non-formal and informal education. Chapter 3, Section 15 of the Act clearly defined three modes of education: formal, non-formal and

informal (Thailand. Ministry of Education, Office of the Non-Formal and Informal Education (ONIE) 2011). Special laws promote non-formal education in Thailand. The Promotion of Non-Formal and Informal Education Act (2008) states that all sectors of society shall participate in the provision of education.

In Cambodia, the Non-Formal Learning Act 2001 has facilitated several alternative learning pathways to ensure equal access to education opportunities, taking into account human development outcomes, programmes for those with disabilities, re-entry programmes, accelerated learning, functional literacy, and learning in community learning centres. The more recent Education Law further helps to strengthen governance and accountability, while the Expanded Basic Education Programme 2006–2010 promotes development outcomes that integrate life skills and aims to achieve equitable access to quality basic education by 2015, thereby meeting commitments under the United Nations' Millennium Development Goals (Cambodia. Ministry of Education, Youth and Sport 2008, p. 3). In Indonesia, the Act of the Republic of Indonesia No. 20 of 2003 on the National Education System provided the impetus to support educational reform. The Act clearly states the equivalency of the formal and informal (UNESCO Bangkok Office 2006).

In the Philippines, two parallel basic education systems exist: the school-based, formal basic learning system and the community-based Alternative Learning System (ALS). The ALS provides a Non-formal Education Accreditation and Equivalency (NFE A&E) Programme outside the school system to address the learning needs of those who wish to acquire basic literacy skills as well as functional literacy skills equivalent to both elementary and secondary levels (Philippines. National Commission for UNESCO 2011).

While legal provisions promoting the right to education of all citizens in countries such as Thailand and Indonesia have facilitated the implementation of equivalency programmes, there still continues to be a stigma attached to non-formal or alternative modes of learning. A report on the Joint UNESCO and UNICEF Regional Workshop on *Equivalency programmes and alternative certified learning* states that the low value attached to non-formal education “can be removed only when Equivalency Programmes provide the same level of quality education as that acquired through formal education and produce results that are comparable within which countries strive to develop programmes, whether formal or non-formal. Introducing alternative delivery models in formal systems may also serve to augment the social value of such programmes and the resources available for reaching the marginalised.” (UNESCO Bangkok Office and UNICEF 2011, p. 27).

3.4 Summary

This section on RVA legislation has examined whether countries have developed an overarching legal framework specifically for RVA, as is the case in Norway, Finland and Denmark, or whether a range of relevant legal acts and regulations set in the

formal education and training systems exist, allowing institutions and government departments to develop a variety of mechanisms and practical arrangements for RVA, depending on the diversity of purposes of RVA and different interests at stake, as in Germany and Austria.

Not all RVA activity is necessarily linked to governmental policy and legislative activity. A significant level of RVA activity is undertaken in the USA, for instance, despite a lack of relevant government policies or legislation.

Countries with NQFs, particularly the first generation developers of NQFs, have institutionalised RVA as a standard and a requirement of any accredited training within the NQF. This is the case in countries such as Australia, New Zealand, Scotland, the UK and South Africa. But this is also a growing trend in many developing countries, where, in fact, NQFs are being developed to make RVA happen. In Mauritius and Namibia, governments expect to mainstream RVA within their education and training system through legislation establishing NQFs.

The classification of legislation and policies outlined in the chapter will however need further interrogation and research, particularly in relation to the question of whether countries with a uniform policy and legislation on RVA are more likely to develop systems of RVA than is the case where such legislation is absent. Another issue to probe could be whether policy discourses on funding, quality assurance, assessment, and the nature of educational practices are fragmentary or consistent.

Another question of importance would be whether NQF legislation alone is able to ensure that RVA is taken on board; or, whether other legislations specific to RVA are needed to enlighten users about the vision of the processes such as assessment, financing and guidance and counselling as is done in France. Werquin (2012) has highlighted that in the French case there are several other laws, such as the Law of Decentralisation accompanying the Modernisation Law of 2002, which have given stakeholders and providers the power to implement RVA (Werquin 2012).

Legislation is an important aspect of RVA in European countries. Werquin (2012) has highlighted some of the typical characteristics of RVA legislation in France that could also apply to most Western and Northern European countries. In France the purpose of legislation is to give every individual the right to apply for RVA. Legislation targets specific groups, such as adults lacking secondary education (France, Norway), i.e. adults, who may benefit from participating in a process of recognition of non-formal and informal learning. Another feature is the wide involvement of several stakeholders at both national and local levels (e.g., role of regional authorities in France), and end-users (e.g., employers), in both preparatory work and in work concerning the formalities of the law. This ensures societal recognition, acceptance and ownership in the RVA process. Moreover, legislation comes from the involvement of stakeholders both from the world of work (including community and volunteering “work”) and the world of education. Finally, legislation is considered a way to communicate to the wider world the value of the RVA process (Werquin 2012).

In contrast to the context in the developed North outlined above, most countries in the developing South, with the notable exception of Mexico and the Republic

of Korea, still lack specific legislation(s) on RVA. Namibia has developed a set of Guidelines on RPL, but Guidelines and RPL policies, as Werquin (2012) points out, do not have the same currency as law.

In many European countries RVA legislation forms part of an overarching lifelong learning strategy for broader reforms in the education system, with far-reaching implications for the management, delivery and design of programmes. Although there has been a growing interest in the development of lifelong learning strategies and legislation in the South, these strategies deliver *access* to non-formal *provision* for early school-leavers as a second chance to enter the education system, rather than making RVA a right through the *assessment and validation* of the competences and learning that adults and youth already possess. Despite this shortcoming, many governments in developing countries are currently making efforts to make RVA integral to NQFs. Through linking RVA to NQFs, RVA could enter into the mainstream to become one of the ways in which learners can gain access to learning opportunities, achieve credit towards a formal qualification or be awarded a qualification should they meet all the quality assurance criteria of a specific qualification.

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