



BIBB / DEQA-VET

# Self-Assessment Report EQAVET Peer Review Germany

Quality Assurance in CVET

The examples of distance learning, nationally valid  
further training regulations and quality requirements in  
the case of state funding

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## Table of Content

Essential abbreviations of laws, actors, institutions, etc. ....	1
Glossary of terms .....	2
Introduction.....	3
References and sources.....	4
1. Quality assurance as consumer protection - the Distance Learning Protection Act (FernUSG): Distance learning .....	5
1.1 Envisaged educational goals of distance learning .....	5
1.2 Quality assurance as consumer protection - the introduction of the FernUSG.....	6
1.2.1 Other legal foundations and stakeholders .....	7
1.2.2 The definition of distance learning .....	8
1.2.3 Amendment of the FernUSG .....	9
1.2.4 Admission processes and criteria .....	9
1.2.5 The role of the BIBB.....	11
1.3 Challenges.....	12
References and sources.....	13
2. Regulated further vocational training according to BBiG and HwO .....	15
Quoted from: EcomFPrV .....	17
2.1 Allocation to the German Qualifications Framework (DQR).....	17
2.1.1 Certified occupational specialist (based on DQR level 5) .....	18
2.1.2 Bachelor Professional (based on DQR level 6) .....	18
2.1.3 Master Professional (based on DQR level 7) .....	19
2.2 The procedure for the development of further training regulations .....	20
2.2.1 Criteria .....	21
2.2.2 Regulatory procedure .....	21
2.3 Examination requirements.....	22
2.4 Challenges.....	23
References and sources.....	23
3. Quality assurance of CVET via quality requirements in the case of state funding .....	25
3.1 Employment Promotion .....	25
3.1.1 The Accreditation of Competent Bodies according to AZAV .....	26
3.1.2 Certification of continuing education providers according to AZAV .....	26
3.2 AFBG .....	27

3.2.1 Quality assurance requirements for providers of continuing education according to the AFBG .....	27
3.2.2 Evaluation of QMS in the context of AFBG requirements .....	28
3.4 Challenges .....	29
References and sources .....	30

## Essential abbreviations of laws, actors, institutions, etc.

Abbreviation	German Meaning	English Translation
<b>AFBG</b>	Aufstiegsfortbildungsförderungsgesetz	Upgrading Training Assistance Act
<b>AZAV</b>	Akkreditierungs- und Zulassungsverordnung Arbeitsförderung	Accreditation and Admission/Approval Ordinance Labour/Employment Promotion
<b>BIBB</b>	Bundesinstitut für Berufsbildung	Federal Institute for Vocational Education and Training
<b>BBiG</b>	Berufsbildungsgesetz	Vocational Training Act
<b>BMAS</b>	Bundesministerium für Arbeit und Soziales	Federal Ministry of Labor and Social Affairs
<b>BMBF</b>	Bundesministerium für Bildung und Forschung	Federal Ministry of Education and Research
<b>CVET</b>	Berufliche Weiterbildung	Continuing Vocational Education and Training
<b>DAkKS</b>	Deutsche Akkreditierungsstelle	German Accreditation Body
<b>DEQA-VET</b>	Deutsche Referenzstelle für Qualitätssicherung in der beruflichen Bildung	German Reference Point for Quality Assurance in Vocational Education and Training
<b>DQR</b>	Deutscher Qualifikationsrahmen	German Qualification Framework
<b>FernUSG</b>	Fernunterrichtsschutzgesetz	Distance Learning Protection Act
<b>HwK</b>	Handwerkskammer	Chamber of Crafts
<b>HwO</b>	Handwerksordnung	Crafts Code
<b>IHK</b>	Industrie- und Handelskammer	Chamber of Industry and Commerce
<b>QMS</b>	Qualitätsmanagementsysteme	Quality Management System
<b>ZFU</b>	Staatliche Zentralstelle für Fernunterricht	German Authority for Distance Learning

## Glossary of terms

Term	German Meaning
continuing education and training	Weiterbildung
continuing vocational education and training	Berufliche Weiterbildung
further vocational training (further training)	Berufliche Fortbildung
further training regulation	Fortbildungsordnung
further training examination provision (regional regulations by the Chambers)	Fortbildungsprüfungsregelung (Kammerregelungen)
federal government	Bund
federal states ("Länder")	Länder

## Introduction

In view of the current challenges – advancing digitalization, demographic change, skills shortages and the need to transform the economy and society towards CO<sup>2</sup> neutrality – there is widespread agreement that continuing vocational education and training (CVET) is becoming increasingly important. This is seen as an essential adjusting screw for coping with structural change, both at the level of the individual and of society.<sup>1</sup> In order to ensure the quality of the offers in Germany, functioning quality-assuring structures and processes are needed at the system, provider and intermediary levels.

With the common goal of continuing the existing CVET sector in a future-proof manner and strengthening the CVET culture, the "National CET Strategy" (NWS) was adopted in June 2019. In this broad-based education policy process, questions of quality assurance were also discussed.<sup>2</sup>

Compared to initial vocational education and training, quality assurance in CVET in Germany is largely unregulated, apart from the federally regulated further training regulations under the Vocational Training Act (BBiG) and the Crafts Code (HwO) - unless further training offered is financially supported by the public sector. At the same time, there are long-established standards and procedures that are of central relevance for quality assurance in continuing vocational training. These include - in addition to the process for developing the nationally valid further training regulations according to BBiG/HwO -, the Distance Learning Protection Act (FernUSG). Since 1977, this has regulated the quality of distance learning, which also includes continuing vocational training courses, in the interests of consumer protection. In the context of state control of the quality assurance of vocational further training courses, the Accreditation and Approval Ordinance for Employment Promotion (AZAV) and the Upgrading Training Assistance Act (AFBG) play a decisive role alongside the BBiG.

The aforementioned laws and ordinances, some of which have been amended several times since their introduction, lay down criteria and requirements for ensuring the input, implementation and output quality of CVET, although not every element covered in this report concerns all quality dimensions. Due to their interrelatedness, they work both individually and systemically in combination.

Based on the overarching EU Council Recommendation on VET (November 2020), the national reference points of the EQAVET network are called upon to carry out peer review procedures at system level. DEQA-VET is going to carry out such a procedure in November 2022 with the involvement of peers from five countries (Austria, Greece, Czech Republic, Lithuania and Hungary). The aim is to have central and established standards, structures and elements of quality assurance in CVET examined and discussed from the outside in order to gain more detailed insights into possible potential for improvement and adaptation.

This Self-Assessment Report (SAR) is intended to enable the peers to critically reflect on and evaluate quality assurance in CVET with regard to sub-aspects to be discussed by providing them with information and explanations on the content. The SAR is divided into the following three focus topics in

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<sup>1</sup> See for example: OECD (2021), BMAS/BMBF (2021a, pp. 56ff.), BMAS/BMBF (2021b), GENERAL SECRETARIAT OF THE COUNCIL (2021).

<sup>2</sup> Within the framework of the NWS, a total of 17 partners are committed to the further development of the continuing education sector and to a strong continuing education culture. The Federal Ministry of Labour and Social Affairs (BMAS) and the Federal Ministry of Education and Research (BMBF) are in charge. On behalf of the BMBF, BIBB provides technical and organizational support for the education policy process (<https://www.bibb.de/de/101057.php>). See also thematic laboratory 4 "Quality assurance in continuing vocational education and training": BMAS/BMBF (2021a, pp. 56ff.).

accordance with the described circumstances in Germany and the claim to make the complexity of the topic manageable:

1. Quality assurance as consumer protection – the Distance Learning Protection Act (FernUSG)
2. Regulated further vocational training according to the BBiG and HwO
3. Quality assurance of CVET via quality requirements in the case of state funding.

Following the respective content presentations, the current challenges in the subject area are outlined in all three chapters. At the end of each focus topic, there are questions that the BIBB believes need to be addressed in the peer review process.

## **References and sources**

*BMAS; BMBF* (Eds.): Themenlabore. Begleitpublikation zum Umsetzungsbericht 2021a

*BMAS; BMBF* (Eds.): Umsetzungsbericht Nationale Weiterbildungsstrategie. Berlin 2021b

GENERAL SECRETARIAT OF THE COUNCIL (Hrsg.): Council Resolution on a new European agenda for adult learning 2021-2030. Brüssel 2021

*OECD* (Ed.): Continuing Education and Training in Germany. Getting Skills Right. Paris 2021



## **1. Quality assurance as consumer protection - the Distance Learning Protection Act (FernUSG): Distance learning**

In Germany, distance learning is a common and legally regulated form of continuing education. This kind of instruction is understood as an educational measure in which learners and instructors are in different locations. In order to bridge the missing or reduced direct contact, learning contents are didactically prepared for self-organized learning and possibilities for communication between the teacher and the learner are established (cf. LAU/SELLMAIER/SCHARPENBERG, p. 1).

The advantages of distance learning are obvious: Through distance learning, learners are given the opportunity to continue their education largely independent from time and place and thus in accordance with their needs. This flexibility also allows working people, for example, to advance their careers through continuing education, which is why they represent an important target group.

For a long time, distance learning in Germany was mainly provided by commercially active education providers at a non-academic level. In this context, distance learning only gradually gained importance as a format for higher education didactics, for example with the founding of the FernUniversität in Hagen (cf. FOGOLIN 2018, p. 8).

Due to the possibilities of digitalization, distance learning is also changing: New teaching-learning formats open up new ways of learning at a distance (see chap. 1.2.3), while at the same time rapid technological developments are increasing the demand for lifelong continuing education in general and thus also distance learning. For example, the number of approval procedures for distance learning courses increased from 385 in 2019 to 647 in 2021 (ZFU 2022).<sup>3</sup>

What relevance do the dynamics triggered by digitization have for distance learning established in Germany and how can the resulting challenges be met? Against this background, it must be ensured that the quality assurance and development of distance learning also keep pace with the new requirements. It is essential for creating transparency between the various stakeholders and it offers an incentive for providers to continuously improve the products they offer.

### **1.1 Envisaged educational goals of distance learning**

In principle, educational qualifications at almost all levels can be achieved via distance learning courses. In addition to formal, recognized qualifications (school, vocational and academic), nonformal qualifications (e.g. certificates from the education provider or university) can also be obtained.

According to surveys, nonformal offerings account for significantly more than half of the educational offerings available (cf. FOGOLIN 2018, p. 8). These include certification courses, some of which are offered in modules (cf. FOGOLIN 2018, p. 12).

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<sup>3</sup> In the following, we will focus on the part of distance learning that falls under the Distance Learning Protection Act. It should be noted at this point that there are also a large number of further education offerings in the digital space that are not subject to the Distance Learning Protection Act.

A current DEQA-VET project is investigating the extent to which digitization will further develop the teaching-learning formats of all distance learning programs in terms of their technical and pedagogical nature (avatars, virtual classrooms, AI-based learning success monitoring, etc.) and what impact this will have, for example, on quality assurance requirements.

Distance learning courses that prepare students for recognized state or public-law final examinations are approved by the respective competent bodies.<sup>4</sup> State qualifications are those that are state-regulated training courses (e.g. based on training or further training regulations), whereas the further training courses developed by the umbrella organizations of the chambers are referred to as public law qualifications.

There are also nonformal degrees, which usually conclude with examinations held within the institute. Graduates receive their diplomas when they have received all certificates confirming that they have completed all course units and control tasks. In other cases, participants are issued certificates with an overall grade, possibly with further broken-down grades. It is important not to confuse these with public or state-recognized degrees. The German authority for distance learning (ZFU) makes specifications and checks these to ensure that there is no confusion (see section 1.2.1).

The most important educational goals, processes and stakeholders in the context of the FernUSG are presented below.

## **1.2 Quality assurance as consumer protection - the introduction of the FernUSG**

At the center of quality assurance in distance learning in Germany is the Distance Learning Protection Act (FernUSG). It came into force as early as 1977 and represented a milestone in the quality assurance of educational offerings (cf. BORN/BRÜCKNER/DIECKMANN 2008, p. 1). To this day, the focus of the law is on consumer protection in that distance learning courses are subject to state supervision and require approval (§12 (1) sentence 1 FernUSG). This includes a periodic external and consumer law audit of each distance learning course. The teaching material is examined by assessing its didactic and factual suitability for achieving the educational objective pursued in each case. The providers have to prove that professionally qualified and pedagogically suitable instructors are used and that the learners are adequately supervised during their course. In addition, the information materials, certificate and contract for the distance learning course are checked to ensure consumer protection.

Compliance with all requirements has been monitored for around 45 years by the ZFU (see section 1.2.1), which issues a distance learning course approval in the event of a successful audit. Without such ZFU approval, distance learning contracts are void and give the right to terminate without notice. Only distance learning courses that have been examined and approved by the ZFU are published in the form of a standardized short description on the ZFU website (URL 1).

At the time of finalizing this report on September 30, 2022, 482 distance learning institutes with a total of 4.222 distance learning and distance study courses were approved by ZFU. "An exact number of students cannot be named; it is estimated that this is approximately 600.000 persons per year" (LAU/SELLMAIER/SCHARPENBERG, p. 2).<sup>5</sup>

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<sup>4</sup> The following bodies, among others, are responsible for state examinations at federal or Länder level: Ministries of Education and Cultural Affairs of the Länder (for school-leaving qualifications), Regional Financial Directorates (e.g. for the qualification of tax advisor), Ministries of Economics of the Länder (e.g. for the qualification of auditor), technical colleges (e.g. for the qualifications of technician, business economist). Chambers of Industry and Commerce and Chambers of Skilled Crafts can conduct both state and public-law final examinations (cf. ZFU/BIBB (2022, p. 20)).

<sup>5</sup> According to information from the Federal Association of Distance Learning Providers, no more precise figures or surveys are available (telephone call of 23.08.22).

It should be noted that the FernUSG stands for input-oriented quality assurance – it focuses, among other things, on the quality of the course concept, the curricula, the teaching materials, and the supervision competence. With the widespread emergence of quality management systems (QMS)<sup>6</sup> by 2010 at the latest, most continuing education providers are supplementing this input-oriented approach with tools that place the process quality of teaching and learning at the centre of their quality assurance efforts (BIBB/DEUTSCHES INSTITUT FÜR ERWACHSENENBILDUNG 2018, 23 Fig. 5). However, further education providers are not required to establish and use QMS until participants – and thus also in distance learning courses – want to claim government funding (see chap. 3).

### 1.2.1 Other legal foundations and stakeholders

The FernUSG (see Fig. 1) is embedded in other legal foundations, such as the BBiG (§90 (3) No. 4 BBiG), and further regulations.<sup>7</sup> For example, a state treaty on distance learning dated February 16, 1978, regulates details such as the cooperation between the 16 federal states ("Länder"). After German unification, this treaty was amended on December 4, 1991, and since then it has also integrated the Länder in eastern Germany. Among other things, it was stipulated that the ZFU would be established in North Rhine-Westphalia. It is the competent authority in the sense of the FernUSG, checks the distance learning courses and charges fees for its administrative activities. These are paid by the educational institutions offering distance learning courses. The state treaty also regulates the tasks of the ZFU and its bodies. In addition to the ZFU management, the administrative committee should be mentioned here, for which each of the 16 Länder governments appoints a permanent member as well as a representative. One of the central tasks of the administrative committee is to decide on all fundamental matters of the central office and to supervise the management of the authority (cf. Art. 4 No. 3 Staatsvertrag über das Fernunterrichtswesen).

Thus, in 1979, the committee adopted "Guidelines for the Work of the German authority for distance learning". These guidelines regulate, among other things, the application process, which must be initiated by the providers, the participation of experts, who may not have any obligations to providers, and the cooperation with the Federal Employment Agency as well as with the BIBB. About five years later, the BIBB also followed suit in 1984 with the adoption of "Guidelines for the Review and Recognition of Distance Learning Courses in Vocational Education and Training", which were last updated in 2020/21 by the so-called "Guidelines for the Review of Distance Learning Courses in Vocational Education and Training". These specify the BIBB's own processes and criteria for the assessment of vocational distance learning courses (see chapter 1.2.5).

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<sup>6</sup> In the following, the term quality management systems (QMS) is used for all quality assurance systems, even if they do not meet all the requirements of DIN EN ISO 9001. This standard describes the requirements for quality management.

<sup>7</sup> The BBiG of 1969 (amended into force in 2005 and 2020) is the central law for dual education and vocational training in Germany. It is characterized by a high degree of standardization in the form of uniform federal regulations and the legally regulated cooperation of the social partners with the federal government and Länder governments (cf. BIBB (2019)).

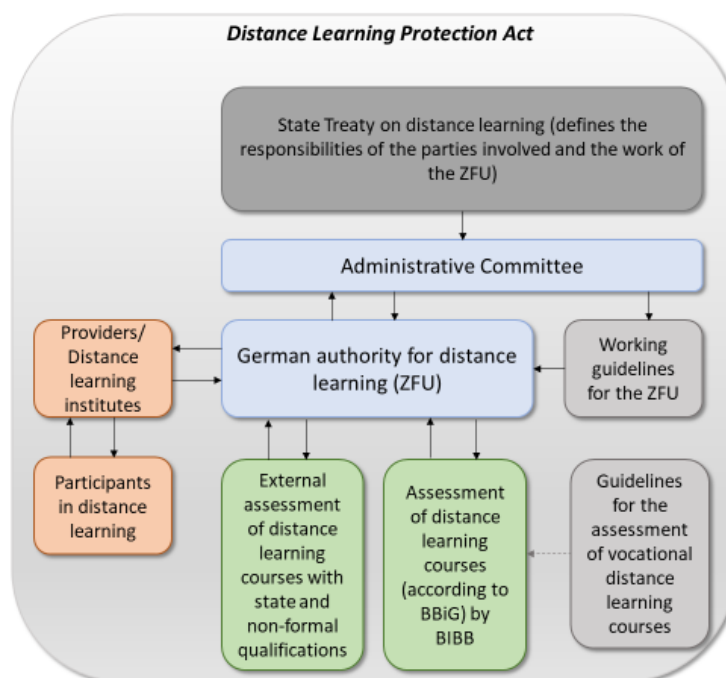


Fig. 1: Distance Learning Protection Act, Source: modified representation of ZFU

### 1.2.2 The definition of distance learning

In order to clearly determine the scope of the FernUSG, the definition of distance learning was regulated by law. In order to be considered a distance learning offer according to FernUSG, the following four requirements must be met:

1. a contractual relationship exists between the provider and the learner and
2. the learning content is provided in return for payment (§1 (1) sentence 1 FernUSG).
3. Furthermore, the FernUSG understands distance learning to mean that the teacher and the learner must be "exclusively or predominantly physically separated" (§1 (1) no. 1 FernUSG) when imparting knowledge and skills, and
4. " ... the teacher or his representative must monitor the learning success" (§1 (1) no. 2 FernUSG).<sup>8</sup>

The first two stipulations result in the fact that educational offers of private-law providers are subject to approval, while such public-law providers are not subject to the approval requirement (as is the case, for example, with the already accredited study programs of the FernUniversität Hagen).

Requirement No. 3 of spatial separation implies that the share of independent learning must account for 50 percent or more, whereby the learning success control (no. 4) represents a distinguishing feature from pure self-learning offers. The term is broadly defined: Learning success control also includes, for example, learning support and attendance phases. On the other hand, pure multiple-choice tests, which are not evaluated individually but automatically, do not fulfil this requirement (cf. LAU/SELLMAIER/SCHARPENBERG, 1f.). In essence, therefore, distance learning is not self-study but

<sup>8</sup> In principle, the FernUSG also applies to the academic segment and, in addition to private university courses, those offered by state universities on a fee-paying basis and thus under private law are also subject to admission (cf. FOGOLIN (2021, p. 16)). Cf. also the debate on micro-credentials initiated at EU level (SABBAGH (2022)).

supervised learning that is implemented predominantly at a distance (cf. BORN/BRÜCKNER/DIECKMANN 2008, p. 2).

### 1.2.3 Amendment of the FernUSG

Due to the possibilities of digitalization and the use of the Internet in education, the definition of distance learning integrated in the FernUSG no longer clearly applies today. In the days when online-based learning was not yet possible, "spatially separated" learning meant that the person learning was in a different location from the person teaching, with the distance being bridged by didactically prepared teaching materials (paper, video, audio materials). The input to be learned, which was sent by mail, was then worked through by the course participants in a time-delayed manner. Today, a physical separation of instructors and learners no longer means that they cannot also be in continuous contact at the same time during the learning process (e.g., via webinars). Accordingly, the sole criterion of spatial separation for the definition of distance learning now falls short.

Here, the ZFU has readjusted and introduced the distinction between temporally synchronous and asynchronous learning (see URL 2). This new definition is used in practice, but has not yet found expression in the FernUSG. According to the ZFU definition, teaching-learning processes in the case of synchronous learning are considered face-to-face teaching, even if the participants are at different locations and participate online. This face-to-face part may not account for more than 49 percent of the course, otherwise the offering would not fall under the FernUSG.

Elsewhere, a change to the text of the law made necessary by technical innovations has already been implemented, with the German Bundestag unanimously passing an amendment to the FernUSG on November 5, 2020, albeit a partial one. Since January 2021, distance learning providers have been allowed to conduct legal transactions online more quickly and easily. Today, as in other industries, transmission of signed documents, e.g., via e-mail or Internet portals, is considered sufficient.<sup>9</sup>

### 1.2.4 Admission processes and criteria

It is the responsibility of the ZFU to decide on an application for admission. This decision is based on quality criteria which are laid down in the legal foundations and guidelines mentioned under 1.2.1 and which are used by the ZFU (partly in cooperation with BIBB, cf. 1.2.5) as a basis for the review. The aim here is to provide those interested in distance learning with a high degree of certainty and transparency regarding the quality of the courses on offer (see box text). In addition, the ZFU advises the addressees of distance learning in the sense of consumer protection by offering guidelines and other materials as well as individual discussion appointments, for example, on contract law.

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<sup>9</sup> The prerequisite for this was that the requirement of "written form" with regard to, among other things, the conclusion or termination of the distance learning contract was replaced by that of "text form". Thus, for example, when signing a contract, it is no longer necessary to transmit manual signatures or digital "qualified electronic signatures (QES)" by mail. In practice, both of these methods posed obstacles, particularly with regard to private customers, which the Federal Association of Distance Learning Providers, for example, had pointed out long before (<https://www.checkpoint-elearning.de/hochschule/fernunterrichtsschutzgesetz-wird-modernisiert>).

Excerpt from a guidebook published by the ZFU for people interested in distance learning:

- "In the case of an approved distance learning course, you can assume that
- the course can achieve the intended course objective,
  - if applicable, the course complies with the objectives of vocational training as defined in the Vocational Training Act (Berufsbildungsgesetz) or with the examination requirements in the area of the Ministries of Education and Cultural Affairs are met,
  - the course corresponds to the state of the art at the time of admission,
  - the reference to practice has been observed,
  - the course has been didactically prepared,
  - the pedagogical supervision/learning control is ensured during the participation. (...)

(The) material must contain, for each distance learning course, complete information about

- the objective,
- the start date and expected duration,
- the type and validity of the course completion,
- the structure of the course,
- the time intervals for the delivery of the distance learning material,
- the total amount of the remuneration,
- the share of the remuneration for the delivery of movable goods that are not part of the written or audiovisual of the written or audiovisual teaching material
- the number and amount of installments,
- the method of payment,
- the possible additional costs for means of distance communication,
- the prerequisites for participation in the course as well as, if applicable, the admission requirements for a public or other examination,
- the minimum duration of the contract and the conditions for termination,
- the location, duration and frequency of the accompanying instruction,
- the state approval that has been obtained." (ZFU/BIBB 2022, p. 23)

At the end of a review process, the ZFU decides whether an offer is approved, provisionally approved or rejected as not conforming to the legal requirements. Provisional approval of a course has proven itself in practice because the training provider receives assurance at an early stage as to whether its course concept can in principle be considered for approval under the Distance Learning Act (see Fig. 2, quality seal with the reference "vorläufig zugelassen" = provisionally approved), which speeds up the approval process (BRANDENBURG 2005, p. 44). However, the training provider may not conclude contracts with interested parties until the specified improvements have been fully completed and this has been certified by the ZFU. After this, the training provider is permitted to use the following quality seal (see Fig. 2, quality seal with the reference "zugelassen" = approved).



Fig. 2: Quality seal of the ZFU, Source: ZFU

In its annual publications, the ZFU publishes lists of approved courses, arranged by degree type (e.g., school and university courses, technical and science courses) or subject area (URL 3).

### 1.2.5 The role of the BIBB

The BIBB plays an important role with regard to distance vocational education and training, which is laid down in the BBiG. Among other things, it states that the BIBB's assignments include performing the tasks described in the FernUSG and contributing to the improvement and expansion of distance vocational education and training (§90 (3) No. 4 BBiG). Accordingly, the BIBB conducts studies and regular surveys (URL 4) as part of its statutory duties.<sup>10</sup> On the other hand, it plays an important role in the ZFU examination process for distance learning courses: As soon as vocational training courses are concerned that are aimed at a federally regulated examination, the ZFU is advised and supported by the BIBB. In order to better and more transparently regulate this cooperation between the two institutions, the above-mentioned joint "Guidelines for the Assessment of Vocational Distance Learning Courses" were developed as part of a project (see Chap. 1.2.1, URL 5). This created a uniform basis for all stakeholders involved in the accreditation process. This includes not only the internal cooperation between the BIBB and the ZFU, but also the communication with the external experts who are involved. In addition, the providers of distance learning should also benefit from the instrument in that the description of the criteria makes the approval procedure more transparent for them and facilitates dialogue about the courses to be reviewed (BRANDENBURG 2005, p. 42).

The examination process proceeds as summarized in Fig. 3: After an application is received by the ZFU from a distance learning provider, the submitted documents are forwarded to the BIBB, provided that the distance learning courses are vocational courses that prepare students for regulated qualifications in accordance with the Vocational Training Act (BBiG) and the Crafts Code (HWO). The BIBB prepares a written statement documenting a systematic review of the suitability of the distance learning course. This is done with the help of the above-mentioned guidelines, which summarize important information for the examination of the requirements for the teaching material, the accompanying instruction, the teaching staff, the performance evaluation as well as the information material. Basically, the material offered is checked for technical-didactic and conceptual suitability as well as factual correctness. In addition, consistency with applicable training and continuing education regulations must be ensured by means of comparison. If necessary, the BIBB consults external experts for this purpose.

The written statement is then returned to the ZFU. The ZFU also conducts its evaluation of the distance learning course in accordance with the existing guidelines and decides on approval, taking into account the BIBB assessment and its own findings. External expertise can also be involved in this phase. As a general rule, reviewers must not have entered into any commitments to education providers or cooperating institutions.

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<sup>10</sup> Since 2016, BIBB has been collecting annual data on the development of providers, offerings and participation in distance learning from providers of corresponding educational offerings (for the current survey of 2021, see: <https://www.bibb.de/dienst/veroeffentlichungen/de/publication/show/17477>). This was initially done as part of a revision of the FernUSG: In terms of content and chronology, the provider statistics tie in with the earlier distance learning statistics, which had been used since 1984 to collect data in the education segment defined by the FernUSG (FOGOLIN (2018, p. 8)).

**Fig. 3: ZFU approval procedure with BIBB involvement**



Source: Anna Cristin Lewalder (BIBB)

If approval is only granted subject to conditions, the ZFU must check at a later date whether the deficiencies have been remedied to such an extent that approval can be granted. Within the framework of the ZFU continuation review, the approved offerings are reviewed cyclically every three years. If changes have been made to a distance learning course before the end of these three years, the provider in question must contact the ZFU again for a further review.

### 1.3 Challenges

Germany can look back on a decades-long tradition of quality-assured distance learning – the concept of providing consumers with certainty about the quality of educational offerings in this segment through the FernUSG enjoys broad support.

Distance learning, in which content is predominantly taught at a distance, enables learning that is independent of location and time, as well as work-related. Digitization seems to have further increased the already given attractiveness of this format. The collected data from ZFU presented above shows a significant increase: On the one hand, the number of distance learning courses submitted for examination has risen substantially, as has the number of educational institutions offering distance learning courses. Initial informal assessments by stakeholders suggest that these changes triggered by the pandemic emerging in 2020 are sustainable.

Digitization is also affecting the structures and teaching-learning settings of continuing education and thus of distance learning elsewhere. As explained in 1.2.3, the definition of distance learning in the Distance Learning Act (FernUSG), for example, is no longer clear, so that adjustments have become necessary in this regard and are already being applied in some areas of practice.



In addition, new digital-based learning media (such as web-based educational training (WBTs), podcasts, tutorials, Moocs, digital study letters) have emerged, enabling modified learning paths (individualized "adaptive learning")<sup>11</sup> and new course concepts (micro-credentials, nanodegrees) for education providers.

In addition, the learning success checks that are so important for distance learning according to the FernUSG are also subject to technical change: New examination formats have emerged that are based on AI-supported technology, for example. It should be noted that, according to studies, the changes triggered by digitization are largely well received by training providers. At the same time, however, it is pointed out that structures must keep pace, for example, differentiation must be made between different types of learners and target groups, and care must be taken to ensure that teachers are also involved (FOGOLIN 2018, p. 9).

Against the backdrop of the profound digital transformation, the Federal Association of Distance Learning Providers calls for corresponding developments to be taken into account as part of a broader amendment to the FernUSG (URL 6).

#### Questions for the peers:

Quality assurance as consumer protection via the FernUSG – Against the background of your experience and in view of current developments and challenges (digitalisation, etc.): Where do you see the most relevant advantages in this approach and, if applicable, obstacles and starting points for improvement?

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<sup>11</sup> Adaptive learning is an individualized concept according to which the way knowledge is delivered is adapted to the learner's level of knowledge, learning preferences and environment (<https://lexikon.stangl.eu/29199/adaptives-lernen>).

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## 2. Regulated further vocational training according to BBiG and HwO<sup>12</sup>

Within the framework of a distance learning course, courses from the area of legally regulated further vocational training according to BBiG and HwO can also be offered, even if these only make up a small part of the course offering. Within the largely open sector of CVET, vocational upgrading training regulated by law represents a formal, structured offer.

The amendment to the BBiG 2020 introduced the term "vocational upskilling". This includes the programmes offered by the technical colleges under the responsibility of the Länder, the master craftsman examinations and the further training under the BBiG and HwO. The latter are enacted at federal level as further vocational training regulations.<sup>13</sup> They only regulate the examinations. The courses offered are subject to the free further education market and are not regulated. However, quality assurance takes place through specifications that are relevant in the context of public funding of further education offers (see Chapter 3).

The educational pathways of upskilling VET are open to people who are seeking a vocational advancement and meet the entry requirements – usually a relevant completed IVET programme with subsequent work experience. They build predominantly on the corresponding training occupations of the dual system or on qualifications from the previous further training level and thus offer an attractive perspective for career advancement. The amended BBiG regulates three successive continuing training levels with uniform qualification designations.

### *The federal further training regulations*

As a rule, the drafts of the nationwide further training regulations are drawn up in formal regulatory procedures with experts under the auspices of BIBB (see Chapter 2.2).

The further training regulations themselves essentially describe the examinations. Unlike the training regulations in the dual system, of which the training framework plan is an integral part, further training regulations do not contain a curriculum. However, a framework plan is usually drawn up by the chamber organizations after the procedure has been completed.<sup>14</sup> Via the contents, the scope and design of the examination requirements in the ordinance are intended to ensure that the legally stipulated minimum scope of learning for the individual continuing training levels is adhered to.

Pursuant to Section 53 (2) BBiG, the further training regulations must specify:

1. the designation of the further training qualification
2. the further training level
3. the objective, content and requirements of the examination,
4. the admission requirements for the examination, and
5. the examination procedure.

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<sup>12</sup> This text contains mainly abridged and modified content from the previously unpublished new edition of: BIBB 2013: Fortbildungsordnungen und wie sie entstehen ..., Bonn.

<sup>13</sup> In addition to the further training regulations of the federation, the competent bodies (such as chambers) have the possibility, in accordance with §54 BBiG or §42f HwO, to issue so-called further training examination provisions for their district (cf. BRETSCHNEIDER (2019, p. 50)), which can be converted into federal CPD regulations under certain conditions. For this purpose, the umbrella organizations of the social partners have developed further criteria, e.g. with regard to the number of examination participants in the last three years (cf. DGB/KWB (2008).

<sup>14</sup> In this framework plan, the requirements of the respective further training regulations are taken up and deposited with concrete contents that can be used as a basis for the design of examination preparation courses.

Upskilling vocational education and training under the BBiG and HwO comprises the three further training levels with which the long-standing practice of the three-level model in the further training sector under the BBiG and HwO was enshrined in law. The BBiG amendment introduced new, standardised qualification designations for the further training levels:

- First level of further vocational training: **certified occupational specialist**,
- Second level of further vocational training: **Bachelor Professional**,
- Third level of further vocational training: **Master Professional**.

The new degree designations cannot be used retroactively for further education and training occupations under the BBiG/HwO; they must be newly prescribed. For this reason, a step-by-step introduction takes place with each new or updated further training regulation.

For **admission** to the examination, the BBiG provides for standard access without professional practice for each further training level:

- First level of further vocational training: qualification in a recognised training occupation (§ 53b (3) BBiG).
- Second stage of further vocational training: completion of a recognised training occupation or completion of the first stage of further vocational training (§ 53c (3) BBiG).
- Third stage of further vocational training: Completion of the second stage of further vocational education (§ 53d (3) BBiG).

Another standard case is admission on the basis of acquired relevant professional practice, which is usually set at five years for the second further training level. There is also the option of additionally requiring at least one year of relevant professional practice, which is usually acquired following training. Proof of an equivalent qualification, e.g. acquired in higher education or through professional experience, can also be prescribed in addition to the standard access.

#### **Example: Certified specialist for e-commerce**

##### **§ 3 Requirements for admission to the examination**

(1) Admission to the examination is granted to those who can prove the following:

1. a successfully completed final examination in a recognised commercial-administrative three-year training occupation and at least one year's work experience following the vocational training,
2. a successfully passed final examination in another recognized training occupation and at least two years of professional practice following the vocational training,
3. the acquisition of at least 90 ECTS<sup>15</sup> credits in a course of study in business administration and at least two years of professional experience, or
4. at least five years of professional practice.

(2) The professional experience pursuant to sub-section 1 shall be substantially related to the tasks of a "Certified Specialist in E-Commerce" pursuant to § 2 Section 3.

(3) By way of derogation from subsection 1, admission to the examination shall also be granted to persons who, by submitting certificates or by other means, credibly demonstrate that they have acquired skills,

<sup>15</sup> ECTS=European Credit Transfer System: Credit points in higher education, which are intended to make the workload transparent. One credit point corresponds to 25-30 hours of work.

knowledge and abilities which are comparable to professional competence and which justify admission to the examination.

Quoted from: EcomFPrV

## 2.1 Allocation to the German Qualifications Framework (DQR)

The three further training levels legally established by the BBiG amendment of 2020 are based on DQR levels 5-7 (see Fig. 4). The assignment is made following the classification procedure by comparing the requirement level of the further training level with the corresponding DQR descriptors. With the allocation of upgrading qualifications to the DQR, upgrading training was for the first time placed in a direct relationship to higher education qualifications. Master craftsman's, technician's and business administrator's qualifications, together with bachelor's degrees from higher education institutions, are equivalent to DQR level 6. Vocational qualifications at DQR level 7, such as certified business administrator under the BBiG, Master Professional in business management, strategic professional in the IT continuing education system or certified vocational educator, correspond in their classification to higher education qualifications at Master's level. In addition, in Germany, there are only offers at level 5 of the DQR in the area of upgrading training according to the BBiG and HwO.

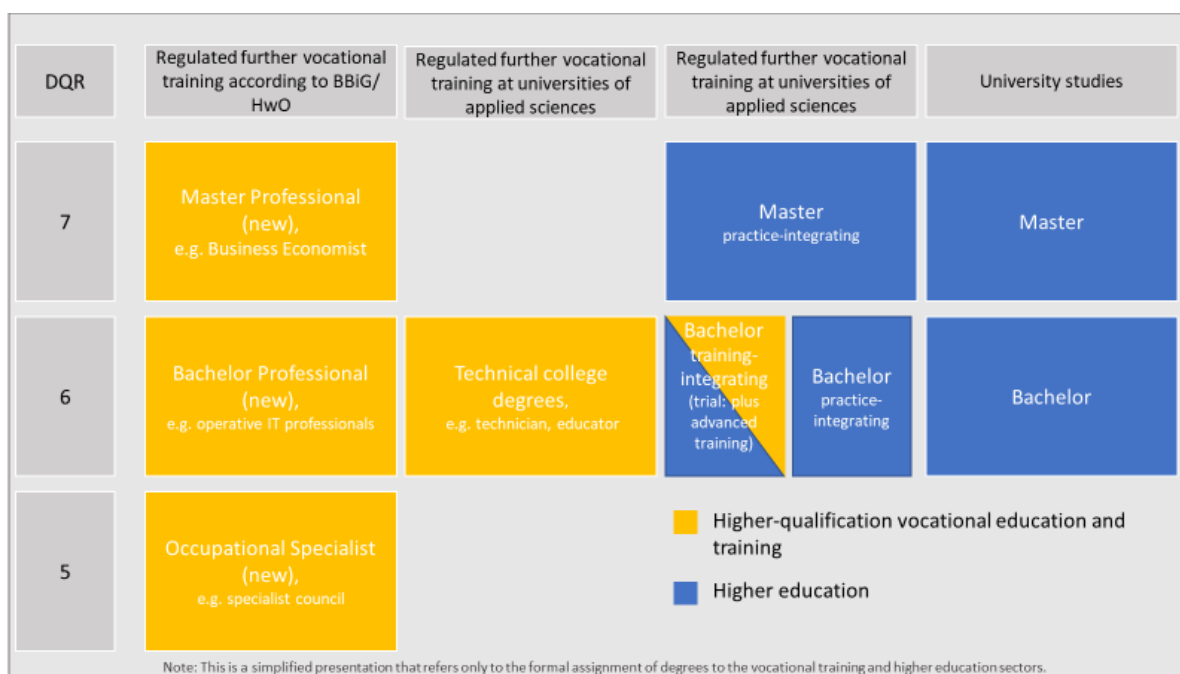


Fig. 4: DQR allocations, source: BIBB Datenreport 2021

As already mentioned above, only the examinations themselves and admission to them are regulated by law. The type of exam preparation is up to the participant and does not play a role in admission. Preparatory courses for further vocational training examinations are offered on the free market. Quality assurance regulations for these courses only apply if the state provides financial support for continuing education.

Thus, the further vocational training regulations are intended to ensure the minimum scope of learning specified for the respective further training level indirectly through the formulation of the examination objectives, content and requirements.

The following framework conditions apply to the respective continuing education levels:

### **2.1.1 Certified occupational specialist (based on DQR level 5)**

The qualification of a certified occupational specialist is set below the Bachelor's level and should correspond to the degree of specialisation at level 5 of the DQR. The standard entrance qualification is a qualification in a recognized training occupation. According to the BBiG (§ 53b (2) sentence 2), the minimum amount of learning is 400 hours. The qualifications are intended to broaden and deepen the competences acquired in vocational training and to impart new content; they cannot be achieved with completed initial vocational training alone.

According to the explanatory memorandum to the law, it is intended that further vocational training at this level should only be prescribed "if there is a clear need on the labour market" and together with a further vocational training qualification at the second further training level. This is to ensure a connection to the next level of further vocational training. Before the BBiG amendment, the qualifications prescribed at this level were, for example, certified service technician and certified technical adviser.

#### *Professional requirements*

Graduates of this further training level can take on functions in their professional field such as consultant, supervisor, developer, project manager, tester or trainer. These functions are assigned with complex tasks with budget responsibility or area responsibility, which are fulfilled responsibly and independently.

#### *Professional competences*

Graduates of this further training level have competences for the independent planning and processing of comprehensive technical tasks in complex, specialized and changing fields of activity. They are able to assess and take responsibility for the quality of their work and to independently plan and implement the further development of their individual professional career.

Source: quoted from the BIBB Board Recommendation 159 (HAUPTAUSSCHUSS DES BIBB 2014, p. 3).

### **2.1.2 Bachelor Professional (based on DQR level 6)**

The Bachelor Professional degree should correspond to competence level 6 of the DQR. The standard access is a qualification in a recognized training occupation or the completion of the first level of further vocational training. According to the BBiG (§ 53c (2) sentence 2), the minimum amount of learning is 1,200 hours. At this level, further vocational training qualifications are regulated which are aimed at assuming specialist and management functions "in which management processes of organizations for which responsibility is to be assumed are independently controlled, independently carried out and for which employees are managed" (BBiG § 53c (2)). Classical second-level qualifications have so far been certified senior clerk, operative professional, industrial master craftsman/craftswoman, professional master craftsman/craftswoman and master craftsman/craftswoman.

### *Professional requirements*

Graduates of this level of further vocational training operate in a dynamic field of activity in which operational performance processes are independently controlled, executed and implemented in an employee-oriented manner.

They are qualified for the responsible performance of specialist and/or management functions for which a relevant training occupation and, where applicable, additional professional experience, i.e. relevant operational, production, business process, communication and cooperation experience, are professional prerequisites. They establish or take over companies, independently control and implement the service processes for which they are responsible in a division, in a company or in projects, and manage employees for this purpose.

### *Professional competences*

Graduates of this further training level are able to manage complex professional tasks and problems in a responsible position, to control, process, evaluate and represent operational and organizational structures (production and business processes, communication and cooperation).

They are able to initiate and take over operational development processes and entrepreneurial tasks. They are able to lead teams of employees responsibly within the framework of controlling operational performance processes and to implement personnel development measures. They are able to reflect on their own actions, take necessary further training measures and shape their individual career paths.

Quelle: Source: quoted from the BIBB Board Recommendation 159 (HAUPTAUSSCHUSS DES BIBB 2014, 3f.)

## **2.1.3 Master Professional (based on DQR level 7)**

Qualifications at this level deepen the skills, knowledge and abilities acquired at the second training level and supplement them with new skills, knowledge and abilities at DQR level 7, "which are required for the responsible management of organizations or for dealing with new, complex tasks and problems such as the development of processes and products" (§ 53d (2) sentence 2 BBiG). These further vocational training regulations are the basis for the qualification of experienced practitioners as managers in fields of activity that are largely reserved for academics. The standard entry requirement is the successful completion of a qualification at the second level of further training. According to the BBiG (§53d (2) sentence 2 BBiG), the minimum number of hours is 1,600.

Qualifications at the third level of continuing education and training

- are aimed at a target group which, for various reasons, cannot or no longer wishes to make use of the option of academic study, and
- are geared to persons with such functions that require a practice-oriented qualification of their function holders.

The third level of further training is an alternative, especially to university degrees and continuing academic education; these degrees can also be pursued by academics. Previous degree titles at this level are e.g. technical business administrator, vocational educator and strategic professional.

### *Professional requirements*

Graduates of this further training level operate in a networked, complex and dynamic field of action. They have comprehensive competences to lead organizations responsibly, strategically and thus sustainably. They are qualified to lead, design and plan companies and business organizations or for strategic project development, the management of large-scale projects and the professional solution of very complex and complicated technological challenges. Prerequisites are business management skills for strategic corporate management or a comprehensive profession in the respective discipline and in fields of technology. They position companies, products and services in markets. They represent companies externally and develop innovations.

### *Professional competences*

Graduates of this further training level have comprehensive competences to develop and lead organizations responsibly, independently, strategically and thus sustainably in changing markets. In accordance with the nature of the market, they can lead or shape the organization or the service process under frequent and unpredictable changes. They can conceptualise, plan and responsibly implement the goals and associated innovations required for sustainable organizational development or project development. Graduates are qualified for the responsible development of innovations with regard to products, processes and organizations. They can implement an ethically responsible corporate or project policy while reflecting on the economic, ecological and social impacts as well as socio-cultural changes.

Source: quoted from the BIBB Board Recommendation 159 (HAUPTAUSSCHUSS DES BIBB 2014, p. 4).

## **2.2 The procedure for the development of further training regulations**

The competent Federal Ministry is responsible for the entire procedure of applying for and developing the further vocational training regulations. After a hearing of the leading organizations of the social partners, the competent Federal Ministry (usually the Federal Ministry of Education and Research (BMBF)), in agreement with the competent ministry, determines the procedure for the development of the further training regulations. If, for example, further training in business administration is to be regulated, the specialized ministry would be the Federal Ministry of Economics and Climate Protection.

The preparation of a draft of a further vocational training regulation by the BIBB is carried out in an expert procedure (advisory board).

One of the BIBB's statutory tasks is to "participate in the preparation of training regulations and other legal ordinances to be issued under this Act or under Part Two of the Crafts Code" (§ 90 (3) BBiG). The BIBB initiates ordinance procedures on the basis of a directive from the competent Federal Ministry.

In Department 2 of the BIBB "Structure and Order of Vocational Education and Training", responsibility for all dual training occupations as well as the further vocational training regulations of the Federation is divided among several working areas. The staff members with "occupational responsibility" are generally responsible for several occupations. In the case of an instruction, they take over the project management in the ordinance procedure and are responsible for preparing the draft ordinance.

Further tasks in the context of occupational responsibility include, among others

- carrying out preliminary studies, evaluations and research projects in the context of regulatory work,
- networking with the relevant interest groups on the employer and employee side, company practice and science,
- the monitoring of current developments in the respective occupations,
- participation in professional events and
- public relations work for the respective occupations.

The relevant federal ministries, the leading organizations of the social partners and the professional associations and trade unions responsible for the respective occupation are involved in the



procedure. The social partners appoint experts from operational practice and coordinators for the respective procedure.

In order to bring a reorganization procedure to a positive, joint conclusion, the parties involved in the procedure must reach a consensus (**consensus principle**).

The consensus principle ensures that all parties involved are involved in the nationwide implementation of continuing education in education and examination practice as well as in the companies.

This is one of the reasons why the federal government only issues continuing education regulations after consulting the relevant leading organizations of the social parties (the German Trade Union Confederation and the Board of Trustees of German Industry and Commerce for Vocational Education and Training).

As a rule, further training regulations are only issued by the Federal Government if the competent umbrella organizations of the social partners (German Trade Union Confederation and the German Industry Curatorship for Vocational Education and Training) have agreed.

### 2.2.1 Criteria

The Federal Committee for Vocational Education and Training at the BIBB defined criteria for the enactment of further training regulations in a recommendation from 1976 (cf. BUNDESAUSSCHUSS FÜR BERUFSBILDUNG 1976), which was confirmed in 2008.

The recommendation stipulates, among other things, that further training regulations should only be issued insofar as they are necessary as a basis for orderly and uniform further vocational training or for its adaptation to technical, economic and social development. There should be a sufficient qualitative and quantitative as well as supra-regional need for the regulation of the intended qualifications. Furthermore, the regulations in a further training regulation should be designed in such a way that professionals are as versatile as possible in their field of qualification and can adapt to future changes more easily.

### 2.2.2 Regulatory procedure

The actual regulatory procedure begins with the instruction from the BMBF to the BIBB and includes the development of the training regulation in the expert procedure at the BIBB. The BIBB initiates an internal project with the aim of developing a draft of the training regulations. The social parties are invited to nominate experts and the president of the BIBB appoints them as "federal experts". The draft is drawn up in expert committee meetings which are organized and chaired by the BIBB. On average, this requires four to six two-day meetings. As a rule, there are at least four weeks between two meetings. The procedure takes between nine months and a year and ends with the submission of the draft of the further training regulations to the BMBF.

The purpose of the expert procedure is to ensure that the qualifications and competences described in the training regulations correspond to the current and expected qualification requirements in the respective fields of employment at the corresponding training or company function level. The

qualification requirements often vary greatly between companies. The differences are caused, among other things, by different company sizes, structures and sectors. The aim of the expert procedures is to find the greatest possible common overlap of qualification requirements. To this end, the experts are in contact with the relevant trade and sector associations during the procedure.

Finally, the BIBB obtains the opinions of the umbrella organizations of the social partners and the ministries involved. The process of developing a training regulation at the BIBB is completed when the draft is handed over to the BMBF. The BMBF submits the finished draft to the BIBB Board for consultation. Following an enactment procedure by the competent Federal Ministry, the completed further training regulations are published in the Federal Law Gazette (see Fig. 5).

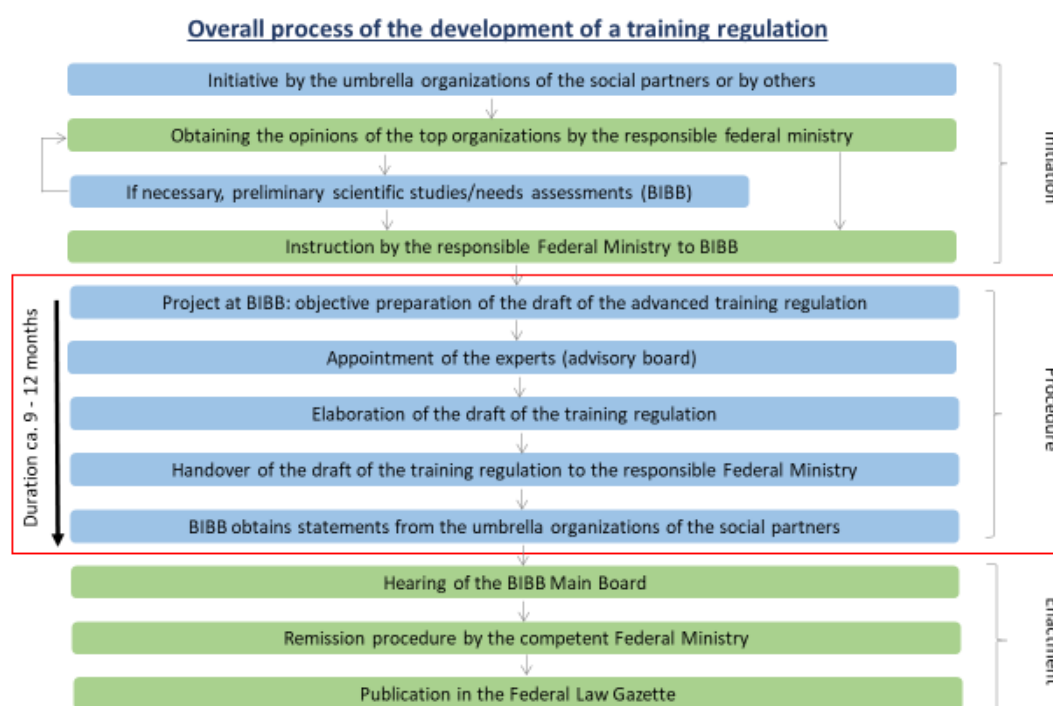


Fig. 5: Sequence of a regulatory procedure, source: BIBB

Following the regulatory procedure, evaluation projects and implementation activities can be carried out to promote the dissemination and acceptance of the CPD regulations.

## 2.3 Examination requirements

The aim of the further training examination is to provide evidence of the extended professional ability to act, which is described in the occupational profile with the associated tasks.

Examinations in upgrading vocational training can be conducted in written, oral, practical and combined form. For the training occupations, a binding catalogue of examination instruments was defined by the main committee recommendation 158, which describes "the examination procedure and the subject of the assessment" (cf. HAUPTAUSSCHUSS DES BIBB 2013). Examples are the written task, presentation, technical discussion or work sample. The choice of examination instruments in further training regulations should be based on the recommendation for the training occupations.

In practice, at least two examination instruments are usually used in further training examinations – the written task and a technical discussion, possibly in combination with a presentation. Some further training regulations also provide for homework/assignments. The further training regulations specify which examination areas are to be examined with which examination instrument(s). Depending on the qualification requirements, an examination instrument or combination can also cover several examination areas.

## 2.4 Challenges

Declining numbers of final examinations passed in dual vocational education and training (cf. BIBB 2022, p. 149) and a downward trend in the number of training contracts (cf. BIBB 2022, p. 35), demographic and digital change and a simultaneous increase in demand for highly qualified skilled workers are putting pressure on the vocational education and training system in Germany. The challenge is to counteract this declining attractiveness of vocational education and training. The regulated further training sector plays an important role in this. In recent years, apart from the continuous updating of the further training regulations, various additional efforts have been made in this area. These include the amendment of the AFBG (see Chapter 3) and the adjustments implemented through the amendment of the BBiG. One objective is to promote the transparency and equivalence of vocational and academic education and training, for example through the introduction of new standardised degree titles (Bachelor Professional, Master Professional), which is intended to enhance the attractiveness of vocational education and training as a whole.

### Questions for the peers:

Strengthen the attractiveness of vocational education and training through regulated further training regulations: In your view, what are the central factors to increase attractiveness? Whether and, if so, to what extent are these addressed by the existing regulations in Germany? Where do you still see potential?

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### 3. Quality assurance of CVET via quality requirements in the case of state funding

In contrast to IVET, the area of continuing training in Germany is subject to relatively few regulations (BELLMANN/LEBER 2021, p. 243). There are only negotiated regulations in some areas. These include, for example, the further training regulations presented above.

If, for example, participants or companies bear the costs of the continuing training offer, then the provider is free in its course design and planning. If, on the other hand, the public sector finances or subsidizes a further training course, the providers must be able to demonstrate quality assurance. This assurance is usually provided through accreditation and certification processes. The two most important forms of public funding are employment promotion (see 3.1.), whose quality control is laid down in the Accreditation and Approval Ordinance for Employment Promotion (AZAV), and funding under the Upgrading Training Assistance Act (AFBG, see 3.2).<sup>16</sup> The latter includes specific quality-assuring requirement criteria. In addition, a specific quality assurance process is located at DEQA-VET at the BIBB (approval of new QMS in the context of AFBG funding).

#### 3.1 Employment Promotion

Employment promotion addresses unemployed persons and those threatened with unemployment in accordance with the Social Code (SGB). This is understood to mean the following:

"Employment promotion is intended to counteract the emergence of unemployment, to shorten the duration of unemployment and to support the balancing of supply and demand on the training and labor market. In particular, long-term unemployment is to be avoided by improving individual employability. (...) The promotion of employment shall contribute to achieving a high level of employment and to continuously improving the employment structure. (...)" (§ 1 (1) SGB III)

For example, the Third Social Code further states:

"Employees can be supported in the case of continuing vocational education and training by assumption of the further training costs if

1. the further training is necessary in order to integrate them professionally in the case of unemployment or to avert the threat of unemployment (...)" (§ 81 (1) sentence 1 SGB III).

The further education offers can either be chosen independently by the participant from an eligible free offer, for example by using so-called education vouchers, or the employment agencies commission an institution with the implementation of a further education offer. In the first case, both the continuing education provider and the measure must be certified. In the second case, only the provider must be certified (URL1 and cf. BUNDESAGENTUR FÜR ARBEIT 2022 section 45.02 and 45.10). The Accreditation and Admission Ordinance Labour Promotion Promotion (AZAV<sup>17</sup>) formulates the requirements for training providers and their measures and regulates the responsibilities with regard to the approval procedure.<sup>18</sup>

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<sup>16</sup> In addition to the AFBG, there are other funding instruments, such as the Further Education Grant, which has been in place for many years, or different variants of the education voucher at the Länder level, which cannot be discussed here.

<sup>17</sup> The predecessor ordinance, the Ordinance on the Recognition and Approval of Continuing Education and Training (AZWV), was introduced in 2004. Prior to this, the accreditation of CVET providers had been based on a catalogue of requirements for training providers by the local employment agencies.

<sup>18</sup> More information at: <https://www.arbeitsagentur.de/bildungstraeger/akkreditierung-zulassung>

### 3.1.1 The Accreditation of Competent Bodies according to AZAV

In order for individuals to receive state financial support for further training courses in the sense of employment promotion, the relevant educational institutions and their programs must meet certain quality assurance requirements. Continuing education providers can register as eligible institutions by being approved or certified by so-called expert bodies. Expert bodies are not public bodies but organizations operating in the private sector. In order to be allowed to carry out this activity, the expert bodies must be accredited as such by the German Accreditation Body (DAkKS). The Deutsche Akkreditierungsstelle GmbH is also a private-sector organization that performs the function of the national accreditation body of the Federal Republic of Germany. It exercises sovereign tasks and powers on the basis of the Accreditation Body Act (AkkStelleG) (SACKMANN u. a. 2019, p. 35).<sup>19</sup>

For the accreditation as an expert body, certain organizational and personnel requirements must be met. This concerns above all the qualification of the personnel, the proven expertise, the independence of the expert body as well as the detailed documentation of the examination (§ 177 (2) SGB III). The accreditation is issued for a maximum period of five years (§ 177 (3) SGB III).

In an accreditation procedure, the DAkKS examines both documents and the activities of the expert bodies in on-site visits (DEUTSCHE AKKREDITIERUNGSSTELLE 2018).

In this first step of quality assurance, private-sector organizations thus qualify themselves to in turn assume quality assurance tasks vis-à-vis continuing education providers.

Fig. 6 shows the process of accreditation and certification in a simplified representation

### 3.1.2 Certification of continuing education providers according to AZAV

Once an expert body has been accredited as such, it is entitled to certify continuing education providers.

The process of certification of continuing education providers by expert bodies includes not only the approval of providers, but also the approval of their measures.<sup>20</sup> In this process, providers and measures must meet certain criteria in order to offer measures that are eligible for funding under AZAV. Among other things, providers must demonstrate that they have a quality assurance system in place (§ 178 No. 4 SGB III). Measures that are eligible for approval must, for example, be appropriate in terms of their content, methods and the materials used to achieve the desired participation success and meet the requirements of the labour market (§ 179 (1) No. 1 SGB III).

The expert bodies check the suitability of providers and measures in the course of audits (SACKMANN u. a. 2019, p. 72). If the requirements are demonstrably met by the provider during the audit by the

<sup>19</sup> Cf. ordinance on the Entrustment of the Accreditation Body with Sovereign Tasks and Powers under the Accreditation Body Act (AkkStelleGBV).

<sup>20</sup> A total of six specialist areas of employment promotion are distinguished (cf. §5 Para. 1 AZAV). For measures from area one (measures for activation and professional integration – according to §45 para. 1 sentence 1 number 1 to 5 SGB III) and area four (measures of professional further education - according to 4th section 3rd chapter SGB III) – if they are to be promoted (voucher procedure) – an approval is necessary. Exceptions are contracting measures and measures with private employment agencies (<https://www.arbeitsagentur.de/institutionen/bildungstraeger/akkreditierung-zulassung>).

expert bodies, then the way is clear for corresponding certification in accordance with AZAV. In this context, AZAV provides the approval of measures for a time limit of three to a maximum of five years (§ 5 (4) Sentence 2 AZAV).

### 3.2 AFBG

The AFBG regulates the financial support of upskilling training (§ 1 AFBG). These do not fall under the definition of employment promotion. The AFBG, also known as Aufstiegs-BAföG, is aimed at interested parties who are striving for professional advancement through further training. In principle, funding is provided for further education courses that prepare students for legally regulated continuing education degrees according to the BBiG, the HwO or equivalent degrees (see chapter 2). Since August 2020, funding has been available for all three levels of further training enshrined in the BBiG and the HwO. Typical further training courses are those that lead to master craftsman, business administrator and bachelor professional or technician degrees. There are a total of more than 700 continuing education programs eligible for AFBG funding (see URL 2).

It is important that the vocational qualification sought is above the level of initial vocational training, i.e. above the level of a skilled worker's qualification, a journeyman's qualification or a vocational school qualification. Accordingly, completed initial training is generally a prerequisite for admission to the CET examination and thus for funding under the AFBG.<sup>21</sup>

#### 3.2.1 Quality assurance requirements for providers of continuing education according to the AFBG

The AFBG regulates in § 2a the requirements for continuing education providers.

Eligibility for funding under the AFBG is given if the provider is suitable for carrying out a continuing education measure.

"(...)Suitability is given if it is a public carrier or an institution that is under state supervision or is state-approved, or if it is proven by a certificate that the carrier or institution

1. has been recognized in accordance with the Accreditation and Approval Ordinance on Employment Promotion of April 2, 2012 (BGBl. I p. 504) or
2. applies a quality assurance system, and there are also no other circumstances that conflict with the suitability of the provider or institution." (§ 2a AFBG)

In summary, this means that there are three ways to prove eligibility for funding under the AFBG with regard to the quality of continuing education providers: First, the AFBG refers to AZAV in the area of provider quality. Thus, if a provider is approved according to AZAV, its eligible further training programs can also achieve AFBG eligibility. If the provider is a public body or an institution that is

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<sup>21</sup> However, in principle, funding can also be provided for further training courses that prepare students for a continuing education qualification for which the examination regulations under public law allow examination access via another prior qualification in addition to an initial education qualification (e.g. for university dropouts, high school graduates with work experience or graduates of a university bachelor's degree). See <https://www.aufstiegs-bafoeg.de/aufstiegsbafoeg/de/die-foerderung/wer-wird-gefoerdert/wer-wird-mit-dem-aufstiegs-bafoeg-gefoerdert.html>.

under state supervision, the same applies. Otherwise, a continuing education provider must demonstrate a "system of quality assurance" (§ 2a No. 2 AFBG).

The 2017 study by the Further Education Monitor (WB-Monitor) surveyed 1,755 continuing education providers regarding, among other things, the QMS they use (cf. BIBB/DEUTSCHES INSTITUT FÜR ERWACHSENENBILDUNG 2018, p. 44). According to this, 80 percent of the continuing education providers surveyed had at least one QMS. In 52 percent, it was certified, and 28 percent practiced quality management without external certification. QMSs were widespread across the provider spectrum. Non-profit private institutions were the most likely to use such a QMS system (90 percent; 72 percent certified), while (technical) universities and scientific academies were the least likely (71 percent; 28 percent).

The QMS most frequently used by continuing education providers in 2017 were ISO 9000 ff. (35 percent; 30 percent certified), LQW (learner-oriented quality testing in further training continuing education; 10 percent; 6 percent certified), and EFQM (European Foundation for Quality Management; 9 percent; 4 percent certified). In addition to the DIN-ISO family, which includes an explicit version for educational institutions in the form of ISO standard 29990, and the EFQM model, there are now a large number of other quality management certificates, most of which are based on derivatives of the aforementioned QMS and are awarded by various professional associations.<sup>22</sup>

### 3.2.2 Evaluation of QMS in the context of AFBG requirements

The diversity of existing QMS makes it necessary to evaluate them with regard to their suitability for AFBG-funded further training and, if necessary, to recognize them.

For this purpose, the BIBB has compiled a so-called white list of QMS on behalf of the BMBF which, in the BMBF's view, meet the requirements.<sup>23</sup>

The QMS on this list were examined on the basis of requirement criteria and with the aid of instruments (such as a questionnaire for further training or QMS providers), which were also drawn up in the context of the aforementioned project. These include, for example, questions relating to a total of 17 requirement criteria, such as the competence of educational personnel, relevance to the labour market and educational infrastructure (see Fig. 7), which were assessed in terms of their "degree of fulfilment".

If the assessment is successful, these QMS can be used by continuing education providers to make their offerings eligible for funding under AFBG.

As QMSs disappear from the market or new ones are added, new QMSs that have not yet been audited in accordance with AFBG requirements must be examined and approved according to a defined process for their suitability in connection with AFBG eligibility.

In 2017, this task was transferred to the DEQA-VET reference office at the BIBB in consultation with the BMBF. Since then, DEQA-VET has been responsible for investigating QMS that have not yet been evaluated in accordance with § 2a AFBG using a standardized procedure and, if necessary, proposing

<sup>22</sup> Cf. BIBB (2019, pp. 6ff.) and BIBB/DEUTSCHES INSTITUT FÜR ERWACHSENENBILDUNG (2018, pp. 12 - 14).

<sup>23</sup> This was done in 2009-2011 as part of a project funded by the BMBF.





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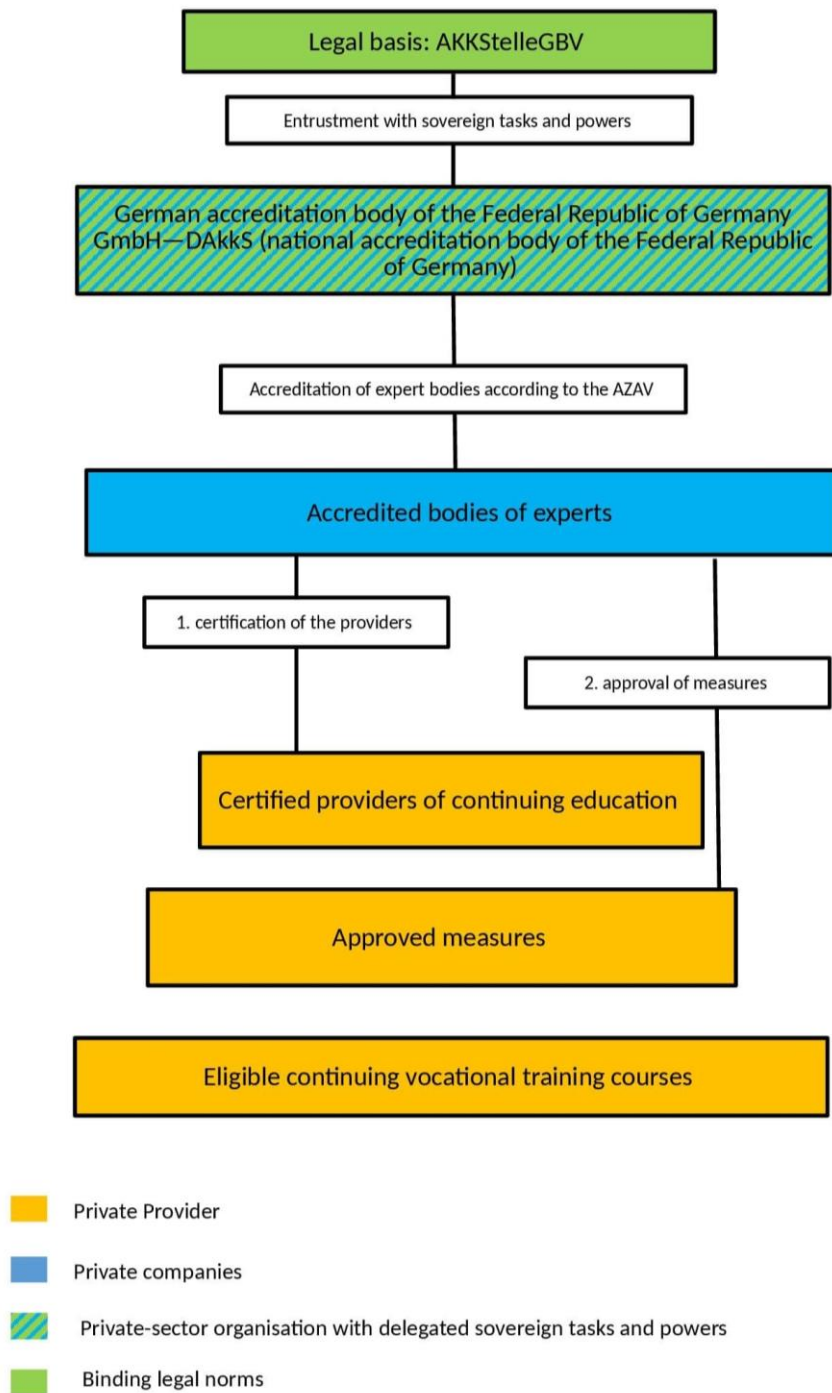


Fig. 6: Accreditation and certification processes according to AZAV, source: own, simplified representation

1 guiding principles
2 qualification of the personnel
3 teaching/learning processes
4 development and planning of courses
5 labor market relevance
6 business relationship participant - educational organization
7 education infrastructure
8 leadership
9 documentation
10 data collection and evaluation
11 internal review
12 external review
13 improvement
14 regulations in the event of non-compliance with requirements
15 external auditors
16 control of the external auditors
17 control of the certifiers

Fig. 7: Defined requirement criteria for the approval of QMS for the "White List"/AFBG, Internal Paper

0-Level	<u>Basic capability</u> to provide qualitatively adequate services <u>not</u> sufficiently <u>documented</u> .
G -Basic-Level	<u>Basic capability</u> to provide qualitatively adequate services sufficiently <u>proven</u> .
M-Medium-Level	<u>Advanced ability</u> to perform higher quality services <u>evidenced</u>
E-Excellent Approach	Ability to achieve sustained outstanding performance <u>and permanently improve</u> quality

Fig. 8: Quality level

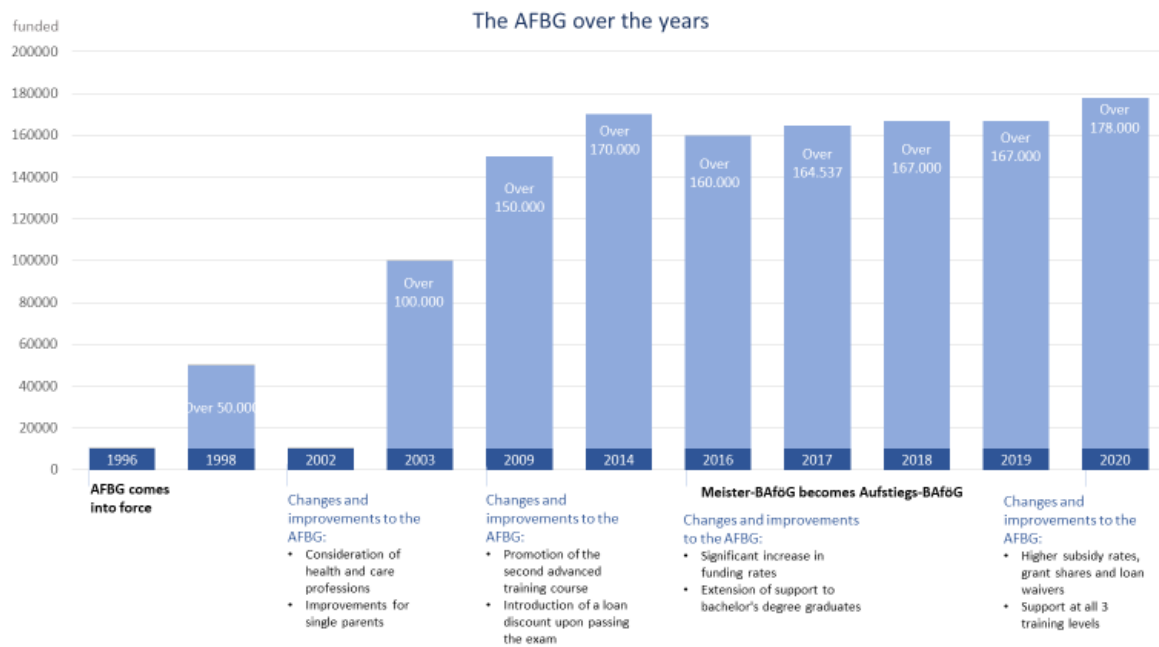


Fig. 9: DESTATIS figures 2021: 192,000 AFBG recipients, 7.7%+ compared to previous year©, Source: BMBF