

Substantial difference *implementing a concept*

2.03 ACE SAFSA Accreditation & evaluation

Introduction



- key term “Lisbon Recognition Convention”
 - CoE / UNESCO 1997
 - The Convention on the Recognition of Qualifications concerning Higher Education in the European Region
- main principle LRC
 - *“foreign qualifications shall be recognized unless there is a substantial difference between the foreign qualification for which recognition is sought and the corresponding qualification of the host country”*
- WP on Substantial Differences by the ENIC & NARIC Networks 2006
 - discussions at annual meetings
 - significant different interpretations of “substantial differences”





enic-naric.net

gateway to recognition of academic and professional qualifications

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- the former Yugoslav

Legal Framework & Background

The Lisbon Recognition Convention (The Convention on the Recognition of Qualifications concerning Higher Education in the European Region), 1997 (ETS No. 165)

- [Explanatory Report to the Lisbon Convention](#)
- [List of Ratifying States](#)

Documents adopted by the Lisbon Recognition Convention Committee

- [Revised Code of Good Practice in the Provision of Transnational Education](#) [PDF], June 2007
 - [\(version française\)](#) [PDF]
- [The Diploma Supplement](#) [PDF], June 2007
 - [\(version française\)](#) [PDF]
- [Joint ENIC/NARIC Charter of Activities and Services](#) [PDF], June 2004
- [Recommendation on the Recognition of Joint Degrees](#) [PDF], June 2004
 - [Explanatory Memorandum](#) [PDF]
- [Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications](#), 2001
 - [Explanatory Memorandum](#)
 - [Outline of Procedure](#)
- [Code of Good Practice in the Provision of Transnational Education](#), 2001
 - [Explanatory Memorandum](#)
- [Recommendation on International Access Qualifications](#), 1999

Documents adopted by the Joint ENIC-NARIC Networks

- [Code of Good Practice in the Provision of Information on Recognition](#), June 2004

European Convention on the General Equivalence of Periods of University Study, 1990 (ETS No. 138)

UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region, 1979 (UN Treaty Series No. 20966)

Events & Activities

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International Organizations

Guidelines

- not **every** difference
 - should be considered as a “substantial” one
- existence of a substantial difference
 - **entails no obligation** to not recognize
- substantial difference should be “substantial”
 - in relation to the **function** of the qualification
 - **purpose** for which recognition is sought

competent recognition authority



- burden of proof lies at authority of the **host** country
- partial recognition
- compensation measures
 - professional experience
 - informal and non-formal learning

Approach



- **only** focusing on 5 key-elements of qualification
 - level
 - workload
 - quality
 - profile
 - learning outcomes
- **only** ‘substantial’ differences
- **approach** transformation
Equality → Recognition → Acceptance

Case Study 1

Qualification in Medical Radiation Technology ... from a non degree granting postsecondary institution in North America

Introduction

- Topic of the case study
- Discussion items
- Conclusion

Topic of the case study



- Human Resources Manager of a European hospital wishes to hire a Medical Radiation Technologist
- The favoured candidate
 - ...is from North America
 - ...has a Diploma in Medical Radiation Technology from a non-degree granting postsecondary institution

	North America	Europe
Qualifications	Non-degree Diploma in Medical Radiation Technology (MRT)	Degree - Bachelor of Radiology
Issuing Institution	Public recognized vocational/technical college	Public recognized university
Credits	90 North American credits (3 credits = 3 hour/week X 15 weeks presence in a classroom +/- equivalent to 180 ECTS	180 ECTS
Additional Information	<p>Diploma programme is a professionally oriented training programme</p> <p>Accreditation is programme based and it is the responsibility of the accreditation board of the profession.</p> <p>Profession is self-regulated</p>	<p>Bachelor of Radiology – professionally oriented training programme</p> <p>Accreditation system is programme based</p> <p>Profession is not self-regulated</p>
Additional Applicant Information	<p>Applicant has a license to practise granted by the MRT regulators in North America.</p> <p>Applicant has 15 years of relevant professional experience, is Radiology Department Head of the hospital and is a part time College professor of MRT</p>	

Discussion Items

- Information
- Substantial difference items
- Comments regarding case study 1

Information



- Study programmes
 - Programmes are similar in North America and Europe
 - Programmes are not designed for admission to either a Bachelors (in North America) or a Masters (in Europe). They are designed for the labour market
 - Entrance to the programme in both regions requires a secondary education diploma (after 12 years of education)
- Language competencies - not an issue
- Profession specific terminology – not an issue

Substantial difference items ...for the European assessor



- Degree vs Diploma titles ARE an issue
- Difference between “University” and “Vocational/professional College” is legally substantial
 - The law of the European country requires a university degree, NOT a diploma from a non-degree granting institution

Substantial difference items

...it has been demonstrated that the



- Diploma programme is relevant to the purpose for which recognition is sought
- Purpose of recognition is for employment purposes
- The difference between the two titles is not substantial given the purpose
- Differences in “University” and “Vocational / Technical College” programmes are **NOT** substantial
- Therefore, the difference between the degree and the diploma titles should **NOT** be an issue

Substantial difference items

...it has been demonstrated that the



- Difference in accreditation systems is **NOT** substantial
 - learning outcomes are essentially the same
 - profession is regulated in North America
- Difference in study load is **NOT** substantial
- Bachelor and Diploma programmes are professional (labour-market) oriented and the purpose of applying for work at the hospital is to exercise the profession
- North American applicant has 15 years of experience, is MRT Department Head and teaches the subject matter part time.

Comments regarding Case Study 1

- Reference points for assessors are changing rapidly
- Learning outcomes and competency assessments are becoming the favoured approach
- Nostrification is an approach of a bygone era
- Educational Systems (Qualifications Frameworks) can classify similar learning outcomes at different levels. It is possible to obtain the same professional qualification at either a degree granting or a non-degree granting postsecondary institution
- Laws can be an impediment to quality assessments

Conclusion - Case Study 1



- There appears to be no reason to deny recognition based on the Lisbon Recognition concept of substantial difference.
- “Recognition cannot be withheld for reasons immaterial to the qualification or the purpose for which recognition is sought. It is the responsibility of the Party or higher education institution wishing to refuse recognition to show that the difference is substantial” (Explanatory report Article VI.1).
- Attitudinal changes to assessment will take time. Important changes in country legislations will need to occur if significant progress in assessment procedures is to take place. Laws have not yet been adapted to changing global realities. They have become an impediment to the good will of international credential assessors.

Case Study 2

Recruitment to health professions

Master of Arts in Psychological Sciences



Introduction

- topic of the case study
- discussion items
- comments by ENIC & NARIC centres
- conclusion



topic of the case study



- human resources manager of a hospital wishes to hire a Psychologist
- one of the candidates
 - Master of Arts in Psychological Sciences
 - from a foreign country

	home country	host country
Qualifications	Master of Arts in Psychological Sciences	Master in Psychology
Issuing Institution	private accredited (recognized) university college	recognized university
ECTS Credits	60 ECTS	120 ECTS
Diploma Supplement & Additional Information	<p>Master's programme is a professionally oriented training programme</p> <p>accreditation system is institution based</p>	<p>Master's programme is an academically oriented higher education programme</p> <p>accreditation system is programme based</p>
Additional Applicant Information	<p>profession of "Psychologist" is regulated</p> <p>applicant has direct access to regulated profession "Psychologist"</p> <p>applicant has 5 years of relevant professional experience as a psychologist</p>	profession "Psychologist" is not regulated



discussion items

- additional information
- substantial difference items
- European Directive 2005/36
- Learning Outcomes



additional information

- access to doctoral programme
- profile and learning outcomes
- Bachelor programme
 - Bachelor Honours ?
 - study load in total
- language issue

ECTS	Home country	Host country
Bachelor	240	180
Master	60	120
<i>Total</i>	<i>300</i>	<i>300</i>



substantial difference items



- difference in degree titles is **NOT** an issue
- difference in “University” and “University College” is **NOT** substantial
 - purpose of recognition is employment and professional orientation is in this case added value
 - Explanatory Report LRC :
 - “Difference has to be both substantial and relevant to the purpose for which recognition is sought”



substantial difference items #2




- difference in accreditation systems is **NOT** substantial
 - learning outcomes are the same (min quality level)
 - profession is regulated in home country
- difference in study load is **NOT** substantial
 - Master programme is professional oriented and the purpose of applying is exercising the profession
 - professional experience of 5 years of the applicant is a compensation for difference in study load



ED 2005/36

European Economic Area

home country		host country
Psychologist is a regulated profession		Psychologist is not a regulated profession

- both countries are members of EEA
- not applicable
 - not regulated in host country



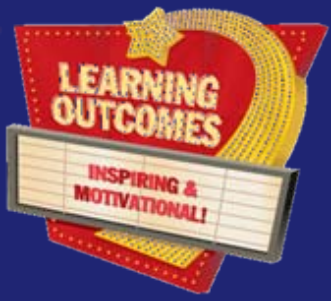
ED 2005/36 #2



European Economic Area

home country		host country
Psychologist is (not) a regulated profession		Psychologist is a regulated profession

- both countries are members of EEA
- always applicable
- 5 years of professional experience is a **compensation** measure for
 - difference in study load
 - non-regulated status



Learning Outcomes

- Learning outcomes are the magic words
 - guarantee same minimum quality standards
 - without discussion → full recognition decision



additional remarks

- lower salary scale ?
- learning outcomes is not yet implemented in many countries of EHEA 2010
- more detailed info on accreditation system



conclusion

- attitude towards substantial difference is diverse, but
 - “Equality” → “Recognition” → “Acceptance”
- accepting differences in case they are not substantial
- no focus anymore on study load (number of years)
- “access” criteria has shifted from
 - access to current programme to access to **further** studies
- ED alternative recognition tool, but scope is limited
 - regulated professions; member states; nationality; ...
- Learning outcomes are the magic words

The Council of Europe publication, *Developing Attitudes to Recognition: Substantial Differences in an Age of Globalisation*, will be published in 2010, edited by Sjur Bergan and E. Stephen Hunt. The session presenters are all authors of chapters.

E. Stephen Hunt, Session Chair, is Manager of USNEI (the U.S. ENIC), President of the ENIC Network, and chaired the Working Party on Substantial Difference.

Yves Beaudin is Director of CICIC (the Canadian ENIC), past president of the ENIC Network, and a member of the Working Party on Substantial Difference.

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Thank you for your attention!



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“Substantial Differences”

Convention on the Recognition of Qualifications concerning Higher Education in the European Region

Lisbon Recognition Convention
Entered into force 1/2/1999



Council of Europe and UNESCO

Lisbon Recognition Convention

Section IV. Recognition of qualifications giving access to higher education

Article IV.1

Each Party shall recognize the qualifications issued by other Parties meeting the general requirements for access to higher education in those Parties for the purpose of access to programmes belonging to its higher education system, unless a **substantial difference** can be shown between the general requirements for access in the Party in which the qualification was obtained and in the Party in which recognition of the qualification is sought.

Article IV.3

Where a qualification gives access only to specific types of institutions or programmes of higher education in the Party in which the qualification was obtained, each other Party shall grant holders of such qualifications access to similar specific programmes in institutions belonging to its higher education system, unless a **substantial difference** can be demonstrated between the requirements for access in the Party in which the qualification was obtained and the Party in which recognition of the qualification is sought.

Section V. Recognition of periods of study

Article V.1

Each Party shall recognize periods of study completed within the framework of a higher education programme in another Party. This recognition shall comprise such periods of study towards the completion of a higher education programme in the Party in which recognition is sought, unless **substantial differences** can be shown between the periods of study completed in another Party and the part of the higher education programme which they would replace in the Party in which recognition is sought.

Section VI. Recognition of higher education qualifications

Article VI.1

To the extent that a recognition decision is based on the knowledge and skills certified by the higher education qualification, each Party shall recognize the higher education qualifications conferred in another Party, unless a **substantial difference** can be shown between the qualification for which recognition is sought and the corresponding qualification in the Party in which recognition is sought.

Explanatory Report

Developments in recognition practice

13. Practices concerning the recognition of qualifications have developed considerably over the past decades. Whereas an assessment of foreign qualifications often entailed a detailed comparison of curricula and lists of material studied ("equivalence"), the emphasis has now shifted to a broader comparison of the qualifications earned ("recognition"). Likewise, a tendency has become apparent for formal international regulations to emphasize the procedures and criteria applicable to the process of recognition of foreign qualifications rather than to list or define degrees and diplomas that shall be recognized under the regulation.

SECTION IV – RECOGNITION OF QUALIFICATIONS GIVING ACCESS TO HIGHER EDUCATION

Article IV.1

This article concerns general requirements for access to higher education, as opposed to requirements for access only to certain types or programmes of higher education (cf. Article IV.2). The basic principle of the Convention is that qualifications giving the holder access to higher education in one Party should give the holder the same right in other Parties. It is recalled that access implies the assessment of applicants' qualifications with a view to determining whether they meet the general requirement for participation in higher education, but that their actual participation may be made dependent on the availability of places (admission). Access is therefore a first step towards pursuing studies in higher education. In some cases, access automatically gives admission, but in most cases admission is the second step towards pursuing studies in higher education, and not all applicants given access will be granted admission, cf. the definitions of access and admission under Section I.

A Party may, however, refuse to grant recognition if it can show that there is a substantial difference between its own general requirements for access and those of the Party in which the qualification in question was earned. Such differences may concern the contents of primary and secondary education, some examples of which are:

- * a substantial difference between a general education and a specialized technical education;
- * a difference in the length of study which substantially affects the curriculum contents;
- * the presence, absence or extent of specific subjects, such as prerequisite courses or non-academic subjects;
- * a substantial difference in focus, such as between a programme designed primarily for entrance to higher education and a programme designed primarily to prepare for the world of work.

The above examples show some relevant areas in which substantial differences may occur. It should be underlined, however, that not any difference with respect to one of these areas should be considered substantial.

As a general rule, in assessing whether there is a substantial difference between the two qualifications concerned, Parties and higher education institutions are, however, encouraged to consider, as far as possible, the merits of the individual qualifications in question without having recourse to an automatic comparison of the length of study required to obtain the qualification. It is the duty of the Party or institution wishing to refuse recognition to show that the differences in question are substantial.

SECTION V – RECOGNITION OF PERIODS OF STUDY

Article V.1

This article states the basic principle that periods of study undertaken abroad shall be recognized unless a substantial difference can be shown between the period of study undertaken abroad and the part of the higher education programme which they would replace. It is the duty of the Party or institution wishing to withhold recognition to show that the differences in question are substantial. This Article makes no distinction between participants in organized mobility programmes and "free movers".

It is realized that it may be more difficult for a competent recognition authority to show the existence of substantial differences in the case of the recognition of periods of study than for the recognition of access qualifications (Section IV) or higher education qualifications (Section VI). There is therefore a need for guidelines on this point; these could be proposed by the ENIC Network, taking into account the experience of higher education institutions. As an example, while account may be taken of quality and major differences in programme content in the definition of "substantial differences", Parties should show sufficient flexibility in their definitions. Attention is specifically drawn to the fact that a narrow definition of the concept of "substantial differences" with regard to course content may easily discourage academic mobility.

SECTION VI – RECOGNITION OF HIGHER EDUCATION QUALIFICATIONS

Article VI.1

While acknowledging that recognition decisions may entail other factors than the knowledge and skills certified by the higher education qualification, this Article states the basic principle that Parties should recognize higher education qualifications earned in the higher education system of any other Party unless a substantial difference can be shown between the qualification for which recognition is sought and the corresponding qualification in the country in which recognition is sought. It is underlined that the difference must be both substantial and relevant as defined by the competent recognition authority.

Recognition cannot be withheld for reasons immaterial to the qualification or the purpose for which recognition is sought. It is the responsibility of the Party or higher education institution wishing to refuse recognition to show that the difference is substantial.

A distinction should be made between the knowledge and skills certified by the higher education qualification and other requirements for recognition for employment purposes based on that qualification.

By virtue of the present Article, qualifications issued in other Parties should be recognized, in so far as they fulfil the requirements stipulated in this Article, as a precondition for recognition for employment purposes in so far as the knowledge and skills certified by the higher education qualification are concerned (cf. also Article VI.2). In addition, and especially in the case of regulated professions, the competent bodies of the Parties may stipulate other requirements for the recognition of final higher education qualifications for employment purposes, such as requirements regarding practice periods as additional or posterior to the higher education programmes or sufficient competence in the official or regional language(s) of the country in which recognition is sought. Such additional requirements for the recognition of final higher education qualifications for employment purposes are not covered by the present Convention nor does this Article in any way affect national law and regulations on the exercise of gainful employment. If a considerable part of an applicant's studies for the qualification in question have been undertaken at an institution not recognized as belonging to the higher education system of a Party, the Parties may consider this as constituting a substantial difference in the terms of this Article.

The competent authorities for the recognition of final higher education qualifications will in most cases be higher education institutions, but may also be other bodies, often set up for this specific purpose. This is the case with, for example, the German Staatsprüfung in medicine, dentistry, pharmacy, law and teacher training. To ensure the specific public interest in these professions, German Ministries have prescribed the major examination subjects for these higher education programmes within Germany. However, the responsibility for the quality of teaching and research remains entirely with the university, and the State examination boards are composed mainly of academic staff of the higher education institution teaching the particular course, so that Staatsprüfungen are considered by universities as being of the same academic level as degrees proper and are accepted equally as qualifying for admission to doctoral studies. In most central and eastern European countries, first examinations also have a double function. They give admission to a profession, and they are entrance qualifications for doctoral studies.

Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications

(adopted by the Lisbon Recognition Convention Committee 6 June 2001)

III. General principles

12. While the aim of assessments should be to assess applicants' foreign qualifications in qualitative terms, it is realised that quantitative criteria will have to be used to a certain extent. Their use should, however, be limited to cases where quantitative criteria are relevant to quality and may supplement qualitative criteria.

Paragraph 12

There is an inherent dilemma in specifying criteria for the assessment of foreign qualifications. While the aim of an assessment is to assess the foreign qualification in qualitative terms, the assessment cannot be undertaken without to some extent relying on both qualitative and quantitative criteria. It is, however, important that the criteria used be chosen because of their suitability in indicating the quality of the qualification in question and the applicant's ability to undertake the activity for which recognition is sought (e.g. further study, research, gainful employment). For example, students who have obtained good study results (grades) may be considered to have considerable potential for learning and personal development, even if the qualifications for which they seek recognition have been earned in an education system or at an institution which is considered to be of substantially lower quality than the education system of the host country. In this case, the result of the assessment may depend on whether recognition is sought for the purpose of further study or for the purpose of entry into the labour market. In the former case, it may be easier to recognise the qualifications, since the applicants may be expected to improve their qualifications and reach their true potential in the course of further study. In the latter case, it may be more difficult to grant recognition, since the qualifications will be the basis for an activity which may have a direct impact on other citizens, and since there is no guarantee that the qualifications will be improved in the course of the exercise of this activity in the labour market. For the latter form of recognition, the duration and content of practice periods may also be of importance. The main difficulty, to which there is no obvious answer, consists in reconciling the desire for an assessment of quality with the requirement for transparency and accountability, which implies the use of "objective" criteria. In no case should a recognition decision be based on only a limited number of quantitative criteria, such as length of study, without some attempt being made to assess the quality of applicants' qualifications. To an extent, substantial differences according to quantitative criteria may, however, be taken as an indication of a difference in quality.

V. Assessment criteria

Status of the institution

29. In view of the wide diversity of higher education institutions and of the developments in transnational education, the status of a qualification cannot be established without taking into account the status of the institution and/or programme through which the qualification was awarded.

30. The credential evaluator should seek to establish whether the higher education institution belongs to the higher education system of a State party to the Lisbon Recognition Convention and/or belonging to the European Region. In the case of qualifications awarded by higher education institutions established through transnational arrangements, the credential evaluator should analyze these arrangements on the basis of the principles stipulated in the UNESCO/Council of Europe Code of Good Practice in the provision of transnational education.

31. Some countries have established a system of formal assessment of their higher education institutions and programmes. When evaluating qualifications from such systems, credential evaluators should take due account of the results of the formal assessment process.
Assessment of individual qualifications

Assessment of individual qualifications

32. Recognition of foreign qualifications may be sought for a variety of purposes. The assessment should take due account of the purpose(s) for which recognition is sought, and the recognition statement should make clear the purpose(s) for which the statement is valid.

Paragraph 32

There is a direct connection between the assessment of foreign qualifications and the purpose(s) for which recognition is sought. For example, a given qualification may be adequate for the purpose of further study, but not for the purpose of employment at a given level. Conversely, a given qualification may be adequate for the purpose of employment, but not for further study, e.g. at doctoral level. This could, for example, be the case if a research component, the writing of an independent thesis or another form of substantial independent work were totally lacking in the foreign qualification and such a component were a requirement for access to doctoral studies in the home country. This implies that a recognition statement should make it clear for which purpose(s) it is valid, and a renewed assessment should be undertaken if recognition is sought for other purpose(s) than those (that) covered by a previous statement.

Qualifications may serve a wide range of purposes, some examples of which are:

- (a) general access to higher education;*
- (b) restricted access to higher education (i.e. access restricted to certain parts of the higher education system, such as certain technical studies);*
- (c) general access to further studies at a given level (such as doctoral studies or second degree studies);*
- (d) restricted access to further studies (e.g. access to further technical studies);*
- (e) access to professional training;*

- (f) general access to the labour market (i.e. as a qualification for a wide range of positions at a given level);*
- (g) access to a specialised area of the labour market;*
- (h) access to a regulated profession.*

33. Before undertaking the assessment, the competent recognition authority should establish which national and international legal texts are relevant to the case, and whether these require any specific decision to be reached or procedure to be followed.

34. The assessment should also take into account past practice in similar recognition cases, in order to ensure consistency in recognition practice. Past practice should be a guide, and any substantial change of practice should be justified.

35. The assessment of a foreign qualification should identify the qualification in the system of the country in which recognition is sought which is most comparable to the foreign qualification, taking into account the purpose for which recognition is sought. In the case of a qualification belonging to a foreign system of education, the assessment should take into account its relative place and function compared to other qualifications in the same system.

36. Qualifications of approximately equal level may show considerable differences in terms of content, profile and learning outcomes. In the assessment of foreign qualifications, these differences should be considered in a flexible way, and only substantial differences in view of the purpose for which recognition is sought (e.g. academic or de facto professional recognition) should lead to partial recognition or non-recognition of the foreign qualifications.

Paragraph 36

Differences in the content and profile of qualifications may concern e.g. the degree of specialisation or general education, requirements for independent written work (including theses), the inclusion of practice periods, laboratory experience or similar requirements (e.g. in medical or natural sciences), or the inclusion of non-academic elements (such as sports or vocational training) in the qualification.

What may be defined as "substantial differences", which may lead to partial recognition or to non-recognition, will to a large extent depend on the purpose(s) for which recognition is sought, for example recognition for the purpose of pursuing further studies or for access to a non-regulated professional activity. In some contexts, a broadly based education may be desirable, whereas, in other contexts, a considerable degree of specialisation may be required. In another example, a thesis may be an essential requirement for a given qualification. Applicants whose foreign qualification satisfies the teaching requirements for the qualification in the host country, but do not include a thesis, may be required to submit a thesis before full recognition can be granted.

Examples of learning outcomes may be one or more of the following:

- (a) broad knowledge of a specific subject;*
- (b) understanding of research results in a specific subject;*
- (c) ability to analyse and solve problems;*
- (d) ability to communicate effectively - orally and in writing - with diverse groups on complex issues;*
- (e) ability to apply research results with routine skills and in a fixed domain;*
- (f) ability to apply research results and to adapt routine skills to new domains;*
- (g) ability to conduct research;*

- (h) ability to discern conflicting theories or paradigms;*
- (i) ability to pursue a specific occupation or profession at operational, management or technology development level.*

37. Recognition of foreign qualifications should be granted unless a substantial difference can be demonstrated between the qualification for which recognition is requested and the relevant qualification of the State in which recognition is sought. In applying this principle, the assessment should seek to establish whether:

- (a) the differences in learning outcomes between the foreign qualification and the relevant qualification of the country in which recognition is sought are too substantial to allow the recognition of the foreign qualification as requested by the applicant. If so, the assessment should seek to establish whether alternative, partial and/or conditional recognition may be granted;
- (b) the differences in access to further activities (such as further study, research activities, the exercise of gainful employment) between the foreign qualification and the relevant qualification of the country in which recognition is sought are too substantial to allow the recognition of the foreign qualification as requested by the applicant. If so, the assessment should seek to establish whether alternative, partial and/or conditional recognition may be granted;
- (c) the differences in key elements of the programme(s) leading to the qualification in comparison to the programme(s) leading to the relevant qualification of the country in which recognition is sought are too substantial to allow the recognition of the foreign qualification as requested by the applicant. If so, the assessment should seek to establish whether alternative, partial and/or conditional recognition may be granted. The comparability of programme elements should, however, be analysed only with a view to the comparability of outcomes and access to further activities, and not as a necessary condition for recognition in their own right;
- (d) a credential evaluator can document that the differences in the quality of the programme and/or institution at which the qualification was awarded in relation to the quality of the programmes and/or institutions granting the similar qualification in terms of which recognition is sought are too substantial to allow the recognition of the foreign qualification as requested by the applicant. If so, the assessment should seek to establish whether alternative, partial and/or conditional recognition may be granted.

Paragraph 37

The paragraph underlines that if a competent recognition authority wishes to withhold recognition - entirely or partially - of a foreign qualification, it is the duty of the competent recognition authority to demonstrate that this decision is justified. This is in accordance with the principles of the Lisbon Recognition Convention as well as the European Union Directives on professional recognition. The "relevant qualification of the country in which recognition is sought" may be indicated by the applicant requesting recognition or, if the applicant has given no indication, by the competent recognition authority, taking into account the purpose for which recognition is sought.

38. Where formal rights attach to a certain foreign qualification in the home country, the qualification should be evaluated with a view to giving the holder comparable formal rights in the host country, in so far as these exist and they arise from the knowledge and skills certified by the qualification.

Paragraph 38

Formal rights are not totally distinct from, but also not totally identical to, the purpose for which recognition is sought. Formal rights obtained through a qualification may, for example, be the right to access to higher education (i.e. the right to be considered for participation in higher education), the right to access to doctoral studies, the right to use a given title or the right to apply for professional recognition. The latter will in many, perhaps most, cases also be subject to non-educational requirements, such as practice periods (where these are considered as distinct from, rather than as a part of, the education programme leading to the qualification) or nationality, residence or language requirements. The assessment of foreign qualifications for professional purposes is covered by this recommendation only in so far as the assessment concerns the knowledge and skills certified by the qualification concerned for the purpose of professional recognition.

The Recommendation suggests that where a qualification gives its holder certain formal rights in the home country, the assessment should seek to assess whether the qualification can give the holder comparable formal rights in the host country. It is, however, realised that national practices with regard to granting formal rights through educational qualifications may vary. This provision is applicable only to the extent that these formal rights may be obtained through a qualification issued in the home country.

39. The recognition of qualifications issued several years ago may be more problematic than the recognition of recent qualifications. To what extent a qualification is outdated will depend on the field concerned as well as the activities undertaken by the applicant since the qualification was issued. In general terms, older qualifications should be recognised along the same lines as similar qualifications issued in the country in which recognition is sought. It may be considered whether relevant work experience may compensate for updated qualifications.

Paragraph 39

A qualification certifies a certain competence obtained at a certain time. The value of a qualification may diminish over time, or be entirely lost, either because the holder of the qualification has not kept up the competence acquired by undertaking activities relevant to the field, or because significant new knowledge has been gained in the field, and the holder is not adequately acquainted with these developments. To what extent a qualification becomes outdated may depend on the field of knowledge concerned.

The recognition of older qualifications can therefore be problematic, and there is no standard solution to the problem. However, the problem is not limited to foreign qualifications. If older qualifications from the country in which recognition is sought are still recognised, similar foreign qualifications of similar age should also be recognised for the same purpose. If, however, qualifications from the country in which recognition is sought are considered outdated and are no longer recognised, similar foreign qualifications should be considered in the same way.

40. Competent recognition authorities and other assessment agencies should be encouraged to focus on the learning outcomes and competencies, as well as the quality of the delivery of an educational programme and to consider its duration as merely one indication of the level of achievement reached at the end of the programme. The assessment process should acknowledge that recognition of prior learning, credit transfer, different forms of access to higher education, double degrees and life-long learning will all shorten the duration of some academic qualifications without diminishing the learning outcomes and a decision not to grant recognition should not be motivated by duration alone.

Paragraph 40

Length of study is one of the most frequently used assessment criteria, and experience shows that it is also among the criteria most easily accepted by applicants whose qualifications are recognised only partially or not at all. The concept of "length of study" is somewhat problematical because, while generally expressed in terms of years or semesters of study, there may be differences, between countries and between individual institutions, in the number of weeks which make up a semester or a year of study and in the number of working hours in a week of study as well as in the distribution of those of hours in terms of teaching, self study and other learning activities (practice periods, laboratory work, etc.). Substantial differences in this respect could reduce the difference between two qualifications of seemingly different "length", or they could increase the difference between qualifications of seemingly similar "length". "Length of study" should therefore not be considered a uniform concept, and it should not be used as the sole criterion in the assessment of foreign qualifications.

In general terms, however, length of study may be taken to give an indication of the level of a qualification. The wider the difference in the length of study normally required to obtain various qualifications, the more likely it would seem that these qualifications are not of the same level. The question of what constitutes a substantial difference in the length of study must also be seen in relation to the stipulated length of study for the qualification in question. A difference of one year is a clearer indication with regard to a study programme the stipulated length of which is, say, four years, than with regard to an entire primary and secondary education programme the stipulated length of which is, say, twelve years.

Therefore, it is suggested that a difference of one year or more may be considered substantial in the case of most higher education programmes, while the difference in the length of programmes leading to access qualifications should be two years or more in order to be considered substantial. It should also be underlined that while the differences indicated may be considered substantial, they must not necessarily be so considered, nor should other factors necessarily be excluded from the assessment. In cases where the differences in length of study are less than indicated here, these differences should not be considered sufficient by themselves to justify a decision not to recognise the qualification.

It should also be noted that "level" and "quality" are different concepts. A given secondary school leaving certificate may be of excellent quality for the purpose of general access to higher education at starting level, which is one of its main purposes, and a student holding that qualification with good grades may be assumed to have an excellent potential for academic studies. The student will, nonetheless, not have acquired the academic level necessary for access to advanced studies.

41. The assessment of a foreign qualification should focus on the qualification for which recognition is sought. Previous levels of education should be considered only where these levels have a serious bearing on the outcome of the assessment and should, as far as possible, be limited to qualifications of a level immediately preceding the qualification for which recognition is sought.

Paragraph 41

The paragraph underlines the need to focus any assessment of a foreign qualification on that qualification. Taking account of previous levels of education should be an exception rather than a rule. For example, in the case of someone applying for recognition of a doctoral degree, the applicant's school leaving qualifications should not be a part of the assessment. Previous levels of qualifications should only be considered in exceptional cases, and the assessment should as far as possible be limited to the level immediately preceding the qualification for which recognition is sought. The most pertinent example is perhaps that deficiencies in an applicant's secondary school leaving qualifications may affect his or her first degree qualifications, or partial qualifications at first degree level, to such an extent that full recognition at first degree level cannot be granted. However, it should be emphasised that this would be an exceptional situation.

42. In undertaking the assessment, the competent recognition authorities and other assessment agencies should apply their know-how and best professional skills and take note of all relevant published information. Where adequate information on the learning outcomes embodied in the qualification is available, this should take precedence in the assessment over consideration of the education programme which has led to the qualification.

Paragraph 42

The paragraph concerns the efforts which competent recognition authorities and other assessment agencies can reasonably be expected to undertake in the assessment of individual cases. They should apply all their professional skills and take account of the relevant literature, but they are not required to conduct in-depth research on the comparability of learning outcomes and/or fitness for further activities. In evaluating a foreign qualification, more emphasis should be given to the outcome of the education process (i.e. the knowledge and skills certified by the qualification and the ability to undertake further activities) than to the process itself (i.e. the education programme through which the qualification was earned).

SCHEMATIC OUTLINE OF THE RECOMMENDED PROCEDURE FOR THE ASSESSMENT OF FOREIGN QUALIFICATION

Step 5

The assessment should seek to answer questions such as:

(a) are the differences in (targeted or achieved) learning outcomes so substantial that the foreign qualification cannot be fully recognised? If so, is it possible to grant alternative or partial recognition?

(b) are the differences in the further activities for which the foreign and the home country qualifications prepare so substantial that full recognition is not possible? If so, is alternative or partial recognition possible?

(c) are the differences in key elements of the programme leading to the qualification so substantial in relation to similar programmes in the host country that full recognition cannot be granted in view of the purpose for which recognition is sought? If so, is alternative or partial recognition possible?

(d) is the quality of the programme or the institution at which the qualification was earned so different from similar programmes or institutions in the host country that full recognition is not possible? If so, is alternative or partial recognition possible?