

No.43/2015/TT-BLDTBXH

Hanoi, October 20, 2015

CIRCULAR
ON REGULATIONS ON CONTINUING EDUCATION

Pursuant to the Labor Code dated June 18, 2012;

Pursuant to the Law on Jobs dated November 16, 2012;

Pursuant to the Law on Vocational Education dated November 27, 2014;

Pursuant to Decree No.48/2015/ND-CP dated May 15, 2015 of the Government on elaboration of the Law on Vocational Education;

Pursuant to Decree No.106/2012/ND-CP dated December 20, 2012 of the Government on functions, duties, rights and organizational structure of the Ministry of Labor, War Invalids and Social Affairs;

At the request of Director General of General Department of Vocational Education;

The Ministry of Labor, War Invalids and Social Affairs promulgates a Circular provides for regulations on continuing education.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Circular provides for regulations on continuing education including: preparing, selecting and approving training programs, textbooks and training materials for continuing education; offering and managing continuing education programs required by the students; training, broadening knowledge and harnessing vocational skills; training for full development of vocational skills; mentoring, handing down and apprenticing the profession; technology transfer and other training programs for less than 3 months.

Article 2. Regulated entities

1. Vocational training facilities, enterprise, organizations or individuals offering continuing education programs prescribed in Article 1 of this Circular.
2. Other relevant agencies, organizations or individuals

Article 3. Objectives

1. “*continuing education programs required by the students*” aims at providing practice knowledge and skills covered by a training program or a training module prescribed in Clause 3 in Article 3 of the Law on Vocational Education or practice knowledge and skills of a profession or some tasks of a profession for students which allow them to choose lessons, time and place of training as well as teachers or trainers.

2. *“training, broadening vocational knowledge and harnessing vocational skills”* aims at increasing the capacity to practice the profession, upgrading new knowledge and completing professional standards for the purpose of improving knowledge and skills of the laborers.
3. *“training in forms of mentoring or handing down profession”* means providing or handing down vocational knowledge and skills to the students during the working process with the skilled craft workers.
4. *“training in the form of apprenticeship”* aims at instructing students to practice vocational skills and practice the profession in a fixed term to make sure they could meet the recruitment requirement of the employer or create self-employment.
5. *“training for full development of vocational skills”* aims at providing more knowledge for the laborers, increasing the capacity to practice the profession, upgrading new knowledge and completing vocational skills in consistent with professional standards to make sure they could meet the job requirements or participate in the evaluation of national vocational skill standards.
6. *“technology transfer program”* aims at providing students with knowledge, advance scientific technologies and new techniques including methods for processing, creating and transforming the state, characteristic and form of raw materials or semi-finished products used in the production process for creating finished products or industrial methods of using live animals and biological procedures for creating necessary products.
7. *“other training programs for less than 3 months”* (hereinafter referred to as *training programs for less than 3 months*) means programs with training time from 100 to less than 300 hours and course time (from the starting to ending of the course) less than 3 months providing students with the capacity to practice a simple profession or to perform some tasks of a profession or practice capacity as required by the job position.

Chapter II

PREPARING, SELECTING AND APPROVING TRAINING PROGRAMS, TEXTBOOKS AND TRAINING MATERIALS FOR CONTINUING EDUCATION PROGRAM

Article 4. Preparing or selecting, approving continuing training programs

1. Continuing training programs must be practical and make sure students have capacity to perform all the tasks of the profession, sharpen their vocational skills, improve economic productivity or change profession, and include the following elements:
 - a) Name of the training program;
 - b) Objectives;
 - c) Volume of vocational knowledge, skills and other necessary skills as well as the requirement for professional practice capacity of the students after completing the training program;
 - d) Training time including total time for running the program and time for other activities such as lecturing, practicing, internship or testing;
 - dd) Training procedure and requirements for course completion;
 - e) Evaluation methods and scale

2. The head of the vocational training facility, enterprise, organization or individual engaged in the continuing education must take responsibility to prepare or select the training program suitable for the course..

3. Vocational training facilities, enterprises, organizations or individuals must publish their continuing training programs at the head office, training facilities or in the admission notice or on the website of such training facilities or public media.

Information to be published includes the name of the training program, enrolling students, enrolment time, objectives and contents of the program, time and place of the training program, certificate, tuition fee and supporting policies (if any).

Article 5. Preparing or selecting and approving textbooks, training materials for the continuing education program

1. Textbooks and training materials shall contain:

a) general information about such textbooks or training materials such as name of the textbook or training material, introduction, table of contents, etc

b) detailed knowledge, skills, questions, exercises, time for lesson and practice as well as the teaching method;

c) requirements for evaluating the learning results at the end of the lesson, training module or program.

2. The head of the vocational training facility, enterprise, organization or individual engaged in continuing education program must take responsibility to prepare or select textbooks and training materials suitable for the program.

Chapter III

ORGANIZATION AND MANAGEMENT OF CONTINUING EDUCATION

Article 6. Organizations eligible to offer continuing education program

1. Vocational training facilities, enterprises with certificate of registration of vocational education:

a) For profession specified in the certificate of registration of vocational education, there must have been full-time training courses for such profession and at least one of which have ended.

b) For profession not specified in the certificate of registration of vocational education, the training program prepared for such profession must be in consistent with regulations in point b, c and d in clause 2 in this Article.

2. Enterprises, organizations or individuals without the certificate of registration of vocational education

a) producing or trading products or running business in sectors or trades which intend to offer vocational training courses;

b) having training programs, textbooks or materials of each profession prepared and approved in accordance with regulations in Article 4 and 5 of this Circular;

c) having trainers who are scientists, engineers, professional technicians or people holding the certificate of vocational skills level 2 in five-point scale or craft workers level 3 in seven-point scale and higher, provincial skilled craft workers, skilled farmers of districts, people entering the profession for at least 5 consecutive years gaining a teaching skill certificate

d) having training facilities, instruments or methods appropriate to the profession which can satisfy the number of students and training time.

Article 7. Organizations eligible to offer continuing education programs as ordered by the State

1. Vocational training facilities, enterprises with certificate of registration of vocational education:

a) meeting all requirements for offering the training program prescribed in Point a in Clause 1 in Article 6 of this Circular;

b) meeting requirements prescribed in Point b in Clause 1 in Article 6 of this Circular and requiring verification of eligibility for offering continuing education programs and receiving a written comment on the name of profession, training program, scale and place of training by the authority ordering the training program.

2. Enterprises, organizations or individuals without certificate of registration of vocational education

a) having eligibility for offering the training program prescribed in Clause 2 in Article 6 of this Circular;

b) requiring verification of eligibility for offering continuing education programs as regulated and receiving a written comment on the name of profession, training program; scale and place of training by the authority ordering the training program

Article 8. Continuing education program admission

1. Enrolling students: students from 15 years old and above whose knowledge and health condition are appropriate to the profession

If participating in the apprenticeship to work for employers, enrolling students must be at least 14 years and have health condition appropriate to the profession.

2. Admission method: setting multiple entrance examinations in a year

3. Application and procedure for admission will be decided by the head of the training facility.

Article 9. Time and plan for training

1. The training time for continuing education programs prescribed in this Circular shall depend on requirement of each training program, including time for acquiring knowledge and soft skills; time for practice; time for prior-testing, on-the-training testing and final testing in which the time for practice accounts for 80% of total time of the course.

2. The training time could be flexible in a day or week such as working days, Saturdays, Sundays or holidays as required by the students and must be specified particularly in the training plan for each class or course.

3. The training time is 5 hours for each class and 8 hours in a day.

4. The training plan prepared for each class and course must be flexible and suitable to the students, features of regions and ensures the training program will be run successfully. The training plan shall be prepared according to the form provided in Appendix 4 issued thereto.

Article 10. Conducting classes and training place

1. Conducting a class

- a) The class of vocational knowledge and soft skills shall have up to 35 students. The class of vocational knowledge and soft skills for ethnic minorities or the disabled shall have up to 20 students. The class of vocational knowledge and soft skills for blind people shall have up to 10 students.
 - b) The practice class or mixed-class shall have up to 18 students. The practice class or mixed-class for ethnic minorities and the disabled shall have up to 10 students. Especially, the practice class or mixed-class for blind people shall have up to 8 students.
 - c) Each class shall have at least one teacher or trainer to directly give lessons and manage the students.
2. The place of training must be flexible, for instance, the training facility, enterprise or production facility but must meet the facility requirements for training such as ground, place for acquiring knowledge, place for learning vocational skills; instruments or materials serving the training as required by the module or training subject in the program.

Article 11. Continuing education methods

1. The training method is the combination between lesson and practice class but mainly focusing on practice in connection with the reality of production or business (learning while working) which helps the student develop their active roles, increase their self-studying capacity and accumulate experiences as well as uses modern instruments and applies information and communication technology to improve the teaching and learning quality.
2. When the course starts, the teacher or trainer shall test the students to assess their knowledge, soft skills and vocational skills for the purpose of preparing appropriate lessons and teaching methods. The content and form of examination will be decided by the teacher or trainer taking the class.
3. Providing knowledge and guidelines for practice depending on the requirements of the training module or subjects that the students have not learned or not practiced; have not yet mastered or not regularly practiced.
4. When the training module or course ends, the students shall continue to practice the profession at the workplace or self-review all knowledge that have been learned and exercise vocational skills in pursuit of preparing for enrolling the next course or training module.

Article 12. Testing and granting vocational certificate

1. On-the-training exams include the exam at the beginning of the course and final exam.
 - a) The exam at the beginning of the course shall be prepared in accordance with regulations in Clause 2 in Article 11 of this Circular.
 - b) The final exam shall be prepared in accordance with regulations in Clause 2 in this Article.
2. Contents, forms of the exam as well as conditions for sitting the final exam will be decided by the head of the vocational training facility, enterprise, organization and individual offering the vocational course and stipulated in the training program.

The examination result shall be assessed according to pass/fail grading system and bear the signature and full name of the marker.

Students who fail the course must self-review all knowledge and practice skills that have been learned to re-sit the exam. A student is allowed to re-sit the final exam twice. Any student failing the course after re-sitting the final exam twice will have to re-take the course if requiring.

3. The vocational certificate shall be designed, printed and granted to the students passing the final exam of the course by the head of vocational training facility, enterprise, organization or individual offering the training course.

The vocational certificate must specify contents and time of the course and must be designed in consistent with the certificate template prescribed in Appendix 1 issued thereto.

Article 13. Books and forms in management of continuing education

Books and forms used in the management of continuing education shall include:

1. Training programs, textbooks or teaching materials as prescribed in Article 4 and 5 of this Circular;
2. Lists of lecturers, teachers or trainers (*according to the template prescribed in Appendix 2 issued thereto*);
3. Training plans (*according to the template prescribed in Appendix 3 issued thereto*);
4. Student sheets (*according to the template prescribed in Appendix 4 issued thereto*);
5. Transcripts of record (*according to the template prescribed in Appendix 5 issued thereto*);

Article 14. Reporting regime

1. The vocational training facility and enterprise with certificate of registration of vocational education shall send a consolidated report of continuing education program in the first 6 months of the year before June 30 and report of such year before December 12 to the Department of Labor-War Invalids and Social Affairs and supervisory authorities (if any) according to the template provided in Appendix 6A issued thereto.

2. Other organizations and individuals offering the vocational course shall send a consolidated report of continuing education program in the first 6 months of the year before June 15 and a report of such year before December 12 to People's Committees of communes according to the template provided in Appendix 6B issued thereto.

3. People's Committees of communes shall send a consolidated report of continuing education program in the localities in the first 6 months of the year before June 30 and a report of such year before December 31 to the Office of Labor, War Invalids and Social Affairs according to the template provided in Appendix 7 issued thereto.

4. The Office of Labor, War Invalids and Social Affairs shall send a consolidated report of continuing education program in their localities in the first 6 months of the year before July 15 and a report of such year before January 15 of the following year to the Department of Labor, War Invalids and Social Affairs according to the template provided in Appendix 8 issued thereto.

5. The Department of Labor, War Invalids and Social Affairs shall make a consolidate report of the results of the continuing education program in the localities; relevant authorities shall make a consolidated report of continuing education program run by vocational training facilities or enterprises affiliated with such authorities (if any) in the first 6 months of the year before July 31 and a report of such year before January 31 of the following year to the Ministry of Labor, War Invalids and Social Affairs according to the template provided in Appendix 9 issued thereto.

Chapter IV

IMPLEMENTATION

Article 15. Responsibilities of the Ministry of Labor, War Invalids and Social Affairs

1. Preside over and cooperate with supervisory authorities of vocational training facilities affiliated with relevant ministries or local authorities in instructing vocational training facilities, enterprises, organizations and individuals to offer vocational courses and run training programs in accordance with provisions of the Law on Vocational Education and this Circular.
2. Verify, supervise and make a consolidated report of the compliance with regulations on continuing education as required.

Article 16. Responsibilities of relevant ministries

1. Preside over and instruct affiliated enterprises and vocational training facilities to run continuing education programs in accordance with provisions of the Law on Vocational Education and this Circular.
2. Verify, supervise and make a consolidated report of the compliance with regulations on continuing education of affiliated enterprises and vocational training facilities as required.

Article 17. Responsibilities of People's Committees of provinces and centrally-affiliated cities

1. Preside over and instruct vocational training facilities, enterprises, organizations and individuals offering the vocational courses and relevant agencies or organizations in the locality to run continuing education programs in accordance with provisions of the Law on Vocational Education and this Circular.
2. Verify, supervise and make a consolidated report of the compliance with regulations on continuing education in the locality as required.

Article 18. Effect

1. This Circular comes into force on December 05, 2015.
2. Timely inform the Ministry of Labor, War Invalids and Social Affairs for instructions and amendments if any question arises during the implementation of this Circular.

**PP. MINISTER
DEPUTY MINISTER**

Huynh Van Ti