**Terms of Reference and Scope of Services**

**Support to the Ministry of Education, Science and Technological Development in the process of drafting bylaws which regulate in more detail the standards for acquiring the status of PROAEA and the standards for self-evaluation and external evaluation of PROAEA**

**Position:** Legal expert

**Duration:** April 2021 – December 2021

**Resources:** up to 20 days

1. **Background**

The accession to the EU is one of the key priorities of the Government of Serbia and at the same time the main driver of structural reforms. Negotiations for EU acquis chapter 19 – Social Policy and Employment – and relevant Action plan concluded that Serbia is moderately prepared in the area of social policy and employment. Some progress was made in further aligning the legislation with the acquis, mainly in the area of working conditions. In the coming period, Serbia should ensure adequate financial and institutional resources for employment and social policies to more systematically target the young, women and long-term unemployed, a priority indicator of the E2E in the second phase. The Social Inclusion and Poverty Reduction Unit (SIPRU), a part of the Prime Minister’s Office, will support this process of social dimension of EU accession and relevant youth employment policies.

In the previous period, the Instrument for Pre-Accession Assistance (IPA) funds were unsuitable for developing and testing ideas for policy reforms before the wider implementation. The Government of Serbia (GoS) has invited Switzerland to support the ESRP process within the E2E main phase, as the Swiss support to the GoS reforms so far has been assessed as the very influential in the social and economic field. As Switzerland also leads the Human Resources and Social Development (HRSD) Sector Working Group, in the frame of donor coordination, and within the already established strategic partnership with SIPRU, Switzerland is well positioned to influence positively youth employment policy framework through proposed interventions. The good reputation is further supported by the excellent results of the Swiss engagement in the education reform support.

The Project “From Education to Employment – E2E“ is part of the larger E2E program launched by the *Swiss Agency for Development and Cooperation* (SDC) in April 2015 with the overall goal to increase decent youth employability in Serbia in a socially inclusive and sustainable way. E2E improves the position of youth on the Serbian labour market through modernization of youth employment policies and the development of young skilled labour demanded by the private sector.

The E2E program supports evidence-based approaches in the youth employment policies in Serbia. Under the lead of the SIPRU, it facilitates the policy dialogue between key national and local stakeholders. By including good practices from the 1st phase pilot regions, SIPRU advocates changes in the youth policy framework. Through NIRAS - IP, E2E creates WBL opportunities for young jobseekers from selected regions of Central Serbia. To better match private sector needs with labour supply, it cooperates with five local partners (brokers) from Novi Pazar, Knjaževac, Pirot, Kruševac and Kragujevac that facilitate the WBL programs and offer career guidance and matching services for youth and companies.

The key line ministry in charge of the implementation of the youth employment and employability policies in Serbia relevant for implementation of the E2E is the Ministry of Labour, Employment, Veteran and Social Affairs (MoLEVSA) with the support of the Ministry of Education, Science and Technological Development (MoESTD). Line ministries were actively involved in the design and implementation of the 1st phase and the 2nd phase is continuation of the joint efforts for youth employment up to 2021.

1. **Introduction**

The E2E have two outcomes:

Outcome 1: Relevant national and local key stakeholders apply effective and evidence-based policies on youth employment and employability through increased performance capacities and diversified funding portfolio.

Outcome 2: Young jobseekers are better able to position themselves on the labour market through employment promotion measures and non-formal training offers required by the private sector in selected regions of Serbia.

2nd phase of E2E will contribute to employment post-2020 framework by supporting the following concrete measures:

* Legal Framework: 1) the amendments to the Law on Employment and Unemployment Insurance in order to align with the Law on Planning System including institutional framework for NSCO will be revised; 2) the amendments to the Labour Law, and with an particular focus on improving the quality framework for traineeships and youth employability (Action Plan for Chapter 19);
* Strategic Framework: 1) Employment Strategy for the next multiyear period from 2021; 2) National Employment Action Plans (NEAP); 3) National Standard Classification of Occupations (NSCO);
* In line with the Law on Planning System, evaluation of the previous Employment Strategy 2011-2020 will be conducted in addition to regular NEAP reports adopted by the GoS.
* Creating evidence-based education policies based on results of market-oriented non-formal adult education and training relevant to the needs of the labour market, economy, social and personal development.

Following the adoption of the Law on NQFS and the establishment of the National Qualifications Agency and Sector Skills Councils, the framework is created to increase the supply and diversification of relevant and certified non-formal courses and accredited adult training providers, leading to nationally recognised qualifications. Also, in addressing the education shortcomings, a comprehensive competence-based curricula reform has been ongoing in the formal VET system. The introduction of the national work-based learning model in vocational education (dual education) aims to improve the relevance of education. The adoption of the Law on NQFS is part of a progressive reform of the education system at all levels, including non-formal and informal learning.

Furthermore, the National Standard Classification of Occupations, that will be developed in upcoming period will be an important measure that supports institutional cooperation linking education and labour market and an efficient matching of job seekers with job vacancies in Serbia. Finally, the rulebook on standards of career guidance and counselling services has been officially adopted by the MoESTD in June 2019, whereas the standards will be used by and relevant also to the MYS and MoLEVSA.

These recent reform progresses are considered as driving forces for the development of a functioning non-formal training market. The SDC supports the VET reform through its Policy VET project, whereas the E2E addresses the reform of the non-formal training sector. E2E will make its contribution to make use of this framework by building capacities of relevant stakeholders, the development of occupational standards and the accreditation of trainings in those occupations that industries with growth potential need the most. The planning process has shown the interest of the MoESTD in further developing occupations in the interest of the private sector; above that, the experiences of the 1stphase of E2E indicate a certain commitment to invest human resources to contribute to the development of occupational profiles and work-based trainings.

Adult education is part of the unique education system of the Republic of Serbia, which provides adults throughout their lives with the acquisition of competencies and qualifications necessary for personal and professional development, work and employment, as well as socially responsible behaviour. The most important elements of the adult education system are regulated by the Law on Adult Education ("Official Gazette of RS, Nos. 55/13, 88/17, 27/18 and 6/20) and special regulations. On the basis of the aforementioned Law, the Minister of Education, Science and Technological Development adopted by-laws regulating non-formal adult education and the participation of institutions and other organizations in the implementation of adult education activities. The Rulebook on Closer Requirements Regarding Programmes, Personnel, Space, Equipment and Teaching Aids for Acquiring the Status of Publicly Recognized Organizer of Adult Education Activities (PROAEA) defines more closely the conditions (in terms of programs, staff, premises, equipment and teaching aids) under which the institutions and other organizations may acquire PROAEA status for non-formal adult education activities. The Rulebook on the Type, Name and Content of Forms and the Manner of keeping Records and the Name, Content and Layout of Public Documents and Testimonials in Adult Education set out more closely the issue of a public document issued under this system, ie. the type of public document, its name and content, the appearance of the form and the manner of keeping records in the field of non-formal education. Certain quality assurance mechanisms, such as the development of standards for self-evaluation and external evaluation of the quality of work of the PROAEA, will be regulated by a by-law in accordance with the implementation of the Law on the National Qualifications Framework of the Republic of Serbia ("RS Official Gazette", Nos. 27/18 and 6/20). The starting point for defining the stated standards and drafting bylaws will be the evaluation results of the accreditation system of a publicly recognized organizer of adult education activities created within the Program "From Education to Employment - E2E".

In accordance with the Law on NQFS, the Government of the Republic of Serbia in 2018 established a Qualifications Agency, which made the procedure for acquiring PROAEA status for other organizations within its competence. Also, as part of the process of acquiring PROAEA status, the Qualifications Agency gives its opinion on the fulfilment of the requirements regarding the plans and programs of adult education, manner of realization and personnel for primary and secondary schools and other organizations in accordance with the Law on NQFS. On the other hand, the accreditation process for budget-funded educational institutions continues to be implemented by the MoESTD, in accordance with the Law on Adult Education and other positive regulations. It is important to point out that despite the division of responsibilities in the implementation between MoESTD and the Qualifications Agency, the process of accreditation of the PROAEA is carried out according to uniform standards prescribed by the Minister in charge of education through various bylaws.

Considering that the introduction of a system for the quality evaluation of institutions for non-formal adult education is one of the goals of the Annual Adult Education Plan for 2021, that in the previous period significant experience was gained in the PROAEA accreditation process, as well as changes to the legislative and institutional framework for the implementation of the PROAEA accreditation process, the conditions for evaluating the already established system, improving the defined standards, or by-laws defining them, were acquired. The results of the evaluations will be used as a starting point for (re)defining the existing standards / bylaws for accreditation when it comes to the program, staff, space, equipment and teaching aids for acquiring the status of PROAEA, as well as for the adoption of the new bylaw which will further regulate the standards for self-evaluation and external evaluation of the quality of work of the PROAEA.

Taking into account the importance of further improvement of non-formal adult education and training and its relevance to the activities stipulated in the E2E, the SIPRU will support the process through the engagement of an expert who will draft two bylaws based on the conducted evaluation of the PROAEA accreditation system.

1. **Objective of the Assignment**

Objective of this assignment is to support the MoESTD in preparing the proposal of two bylaws whereby one will regulate detailed conditions regarding programs, staff, space, equipment and teaching aids for acquiring the status of a publicly recognized organizer of adult education activities. The other bylaw will regulate standards for self-evaluation and external evaluation of PROAEA. This assignment should take into consideration the results of the analysis on PROAEA that SIPRU and MoESTD performed in the late 2020 and early 2021.

1. **Scope of Work and Tasks**

The expert is expected to fulfill the following tasks:

1) to actively participate in the work of the Working Group in order to strategically direct the Working Groups in the way of proposing solutions that are in accordance with the positive regulations from the education system;

2) to prepare the proposal of the bylaw that regulates detailed conditions regarding programs, staff, space, equipment and teaching aids for acquiring the status of a publicly recognized organizer of adult education activities based on the findings from the PROAEA analysis performed in 2020 and other inputs received from different stakeholders;

3) to prepare the proposal of the bylaw that regulates standards of self-evaluation and external evaluation of PROAEA based on the findings from the PROAEA analysis performed in 2020 and other inputs received from different stakeholders.

1. **Responsibilities**

The selected expert is responsible for the tasks listed by this ToR to the SIPRU E2E Manager and MoESTD Head of Dual Education Group and National Qualifications Framework. All tasks will be undertaken in close cooperation with the MoESTD.

It is expected from this expert to cooperate with consultants who are active in project with similar topic in particular with those counterparts who are evaluating the non-formal education on national and local level.

1. **Outputs/Deliverables**

From the selected contractor it is expected to deliver following outputs:

* The proposal of the bylaw that regulates detailed conditions regarding programs, staff, space, equipment and teaching aids for acquiring the status of a publicly recognized organizer of adult education activities;
* The proposal of the bylaw that regulates standards of self-evaluation and external evaluation of PROAEA.

1. **The dynamics of payment:**

Payment of the total contracted funds will be realized in two tranches, as follows:

* 50% of the contract value after submitting the draft of the proposals of two bylaws with sufficient quality acceptable to SIPRU and MoESTD;
* 50% of the contract value after submitting the final version of two bylaws regulating the topic of PROAEA acceptable to SIPRU and MoESTD.

1. **Requirements**

The profile of the key expert for this contract is as follows:

* Level 7.1 NQFS in the field of law sciences;
* The knowledge related to strategic documents and the national legislation for all education levels such as Law on Foundations of the Education System, Law on Preschool Education, Law on Primary Education, Law on Secondary Education, Law on Dual Education, Law on Textbooks, Law on the National Qualifications Framework of the Republic of Serbia (NQF), Law on Higher Education, Standards and the Amendments of the Standards for Accreditation of a Higher Education Institution, and the subordinate legislations;
* at least 8 years of relevant work experience on preparation of laws and subordinate legislations in the area of pre-university education, the national qualification framework, field of adult education with relating impact analysis;
* Experience in consultancy and advisory work, in areas related to NQFS, standards and quality assurance system in the field of adult education would be considered as an advantage;
* Proven record on conducted studies, researches or projects related to NQFS, standards and quality assurance system in the field of adult education would be considered as an advantage;
* Experience in preparation of the reports on referencing NQFS to the EQF, would be considered as an advantage;
* Excellent verbal and writing communication skills in English.

1. **Reporting**

Here bellow you can find a reporting process and schedule for delivering of all reports for the assignment:

* The draft of the proposals of two bylaws with sufficient quality acceptable to SIPRU and MoESTD, no later than 15th September 2021;
* The final version of two bylaws regulating the topic of PROAEA acceptable to SIPRU and MoESTD, no later than 15th November 2021.

## Contractor shall deliver any ad hoc report if requested by the representative of SIPRU and/or MoESTD.

## Duration of the Assignment

The contract shall cover period between 1stApril 2021 and 31st December 2021. For delivery of envisaged assignment, a local expert will be hired with up to 20 days in total. Indicative deadlines for delivery of the assignment are presented in Chapter no. 9 of the Terms of References.