

Recommendations by Deutscher Verein on the formal recognition of Social Work degrees awarded by foreign institutions

These recommendations (DV 36/14) were proposed by the Social Work Professions Expert Committee of German Association for public and private welfare and approved by its Board on 11 March 2015.

**Deutscher Verein für öffentliche und private Fürsorge e.V.
(German Association for Public and Private Welfare) – the social
forum for more than 130 years.**

The German Association for Public and Private Welfare (Deutscher Verein für öffentliche und private Fürsorge e.V.) is the joint forum of local governments and social welfare organisations and their institutions in Germany, the federal states (Länder) and representatives from science and academia for all fields of social work and social policy. Through its expertise and experience, it monitors and shapes developments in child, youth and family policy, social and old people's welfare, basic social security provision, care and rehabilitation.



Deutscher Verein
für öffentliche
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Preliminary remarks

The Deutscher Verein für öffentliche und private Fürsorge [German Association for Public and Private Welfare] welcomes the efforts made by the Federal States [Länder] to make it easier for applicants with degrees in Social Work from foreign institutions to have access to employment in the profession in Germany. However, the formal recognition of qualifications remains a major obstacle due to the different forms of regulation that exist in the Federal States, a situation which can hardly be justified in professional terms and one that contributes to creating annoyance and complications for applicants from foreign countries. It is in this context that Deutscher Verein recommends that one common central point of contact, such as the Central Office for Foreign Academic Qualifications [*Zentralstelle für ausländische Bildungsabschlüsse*], is charged with assessing whether the conditions have been met and granting formal recognition accordingly.

In order to standardise the granting of recognition, Deutscher Verein also deems it necessary to create a minimum standard which applies reliably across Germany for the rules of procedure and the material requirements for granting formal recognition.

These recommendations are aimed particularly at the Federal States and higher education (HE) institutions.

The German Professional Qualifications Assessment Act (BQFG, or *Berufsqualifikationsfeststellungsgesetz*) of 6 December 2011 (Federal Law Gazette [BGBl] I p. 2515 – in force since 1 April 2012/1 December 2012) was an important step on the part of central government towards making it easier for qualifications obtained in foreign countries to be recognised in German professional life and the German education system. This piece of legislation serves to implement centrally Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC from 2005 on the recognition of professional qualifications and Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System (“the IMI Regulation”).

In the meantime, the Federal States have followed suit with their respective legislation to ensure that the recognition of qualifications obtained in a foreign country is easier within their sphere of responsibility. Social Work is one of the professions regulated by Federal State legislation. However, formal recognition is not fully standardised in terms of regulation due to the legal provisions introduced by the Federal States. Undergraduate courses in Social Work differ from state to state, some of them not just to a lesser extent even within states. At the level of postgraduate courses, there are likewise very large differences and they cannot always be clearly related to the field of Social Work.

The conditions under Federal State legislation for the formal recognition of Social Work qualifications also apply to those gained by individuals who were awarded a professional qualification (i.e. who graduated) in a foreign country and would now like to practise their profession in Germany. The country's federal structure results in differences, particularly with respect to procedural issues,

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which are specific to the Federal States and – as and when applicable – to HE institutions.

As a general rule, the Lisbon Convention assigned the task of recognising the courses completed and higher education (HE) qualifications gained in foreign countries to HE institutions. The only divergence from this rule may be where an HE institution can prove that significant differences exist, i.e. it can identify and provide the grounds for these differences. If the institution is unable to produce such proof, the courses and HE qualifications are to be recognised (i.e. in a “reversal of the burden of proof”). This also applies when HE legislation in the respective Federal State has yet to incorporate the requirements of the Lisbon Convention. It is no longer a case of establishing the “equivalence” or “similarity” of the qualification to be recognised but the significance of the differences in all cases; where insignificant differences are established, externally awarded HE qualifications are to be recognised in full. Inasmuch as German HE institutions are obliged through the Lisbon Convention to make it easier for academic achievements to be recognised as outlined above, implications also arise with respect to formal recognition.

Formal recognition

The system of formal recognition in the Social Work sector has often been discussed, and the results have not been entirely satisfactory due to the differences that remain in the handling of the process by the Federal States.

Deutscher Verein advocates a further adjustment to the criteria for formal recognition. It is the view of Deutscher Verein that the criteria which were drawn up by the Social Work Expert Conference [*Fachbereichstag Soziale Arbeit*] and approved at its AGM on 7 May 2014 represent coherent minimum standards. They attach particular importance to language skills and knowledge of the law and public administration, as well as practical experience, as core components.

In the view of Deutscher Verein, the following requirements represent an essential minimum standard for formal recognition:

1) **German language skills** must be proved to be at a minimum level of B2¹ of the Common European Framework of Reference for Languages at the start of the recognition process, for which a relevant certificate is to be submitted. Particular attention is to be paid to sector-specific language in the aptitude test and during the adaptation period.

2) **Knowledge of the law and public administration** is to be proved by the applicant having successfully completed a Social Work course and/or relevant training at a level which is not significantly different to a Bachelor of Arts degree (BA) in Social Work in Germany. This includes as a minimum: proven knowledge of German legislation relating to the constitution, the family, support for children and young people, securing a livelihood, public administration and social

¹ Level B2 of the Common European Framework of Reference for Languages is defined as: CAN follow a presentation on a familiar subject, give a presentation and converse on a relatively broad range of subjects. CAN extract relevant information from texts and understand detailed instructions and advice. CAN make notes on a discussion/presentation and write a letter including non-standard enquiries.

welfare, migration, employment and work, healthcare/rehabilitation and the general institutional and organisational situation with regard to the “provider landscape” for Social Work in Germany.

As action might well need to be taken in this regard in the case of all graduates from other countries and systems, at least one appropriate module should be offered by HE institutions.

3) **Practical skills.** Proof is required for the aptitude test and adaptation period that the applicant has the practical skills to be employed in Social Work at the level of graduates who have completed Social Work courses at German HE institutions and that they are able to reflect on this practice. This requires proof of continuous professional practice in one field of Social Work for a period of at least one hundred days. This may take the form of a professional internship year or a one-semester work placement (or two half-semester for part-time courses).

4) **Academic and professional skills** are to be proved by the applicant having successfully completed a Social Work degree course which is not significantly different to a Bachelor of Arts degree (BA) in Social Work in Germany. This includes in particular academic methodological skills and knowledge of the discipline and profession of Social Work both past and present (i.e. theories, action plans, areas of work and Social Work research).

5) **Proof is required of skills relating to the integration and use of related fields of study in Social Work**, in particular educational, psychological, sociological, social medicine, economic and other forms of knowledge relevant to understanding and dealing with the issues.

6) **Proof is required of expertise in issues concerning the ethical and reflective principles of Social Work**, in particular with regard to the fundamental concept of the inherent dignity and worth of every individual, to attitudinal issues and to the applicant’s knowledge of codes of ethics, which is likewise to be provided by the applicant having successfully completed a Social Work degree course at a level which is not significantly different to a Bachelor of Arts degree (BA) in Social Work in Germany.

Process (taking into account the particular legislation of the individual Federal State parliaments)

Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC from 2005 on the recognition of professional qualifications and Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System (“the IMI Regulation”) considers in particular the “aptitude test” (Article 3h) and the “adaptation period” (Article 3g) to be suitable procedures for recognition.

The “aptitude test” is a test of the professional knowledge, skills and competencies of the applicant carried out or recognised by the competent authorities

of the host EU member state with the aim of assessing the ability of the applicant to pursue a regulated profession in that member state.²

An “adaptation period”³ is normally a condition required for practising “a regulated profession in the host member state under the responsibility of a qualified member of that profession, such period of supervised practice possibly being accompanied by further training. This period of supervised practice shall be the subject of an assessment. The detailed rules governing the adaptation period and its assessment as well as the status of a migrant under supervision shall be laid down by the competent authority in the host Member State.”⁴

The adaptation periods and aptitude tests in respect of Social Work degree courses are to be carried out by HE institutions. To that extent, they can act on behalf of Federal State ministries and/or local government authorities.⁵

The decision on formal recognition is taken by the relevant local authority in the respective Federal State. Federal States are free to delegate this task to HE institutions.

In addition, the applicant must not have received a criminal conviction for conduct which renders them unsuitable to practise the profession, and in particular any criminal offence referred to in Sec. 72(a) of the German Social Code Book 8 [SGB VIII]. To this end, the applicant is to submit an Extended Certificate of Good Conduct [*Erweitertes Führungszeugnis*] issued by the German police service or an equivalent official document from the country where the applicant completed their training and/or where the applicant has lived for the past five years. If a conviction relating to the above conditions becomes known after formal recognition has been granted or is received only at a later date, the provisions with respect to withdrawal and revocation are to be applied in accordance with administrative proceedings legislation in the Federal State in which the application for recognition was made.

Test charges/fee: The Federal States are obliged to charge fees to applicants for adaptation periods and aptitude tests at cost price.

The courses provided as part of the recognition process are as a rule to be conducted as modules of academic continuous development courses (at HE institu-

2 European Directive 2013/55/EU governs furthermore: “ In order to permit this test to be carried out, the competent authorities shall draw up a list of subjects which, on the basis of a comparison of the education and training required in the host Member State and that received by the applicant, are not covered by the diploma or other evidence of formal qualifications possessed by the applicant.

The aptitude test must take account of the fact that the applicant is a qualified professional in the home Member State or the Member State from which the applicant comes. It shall cover subjects to be selected from those on the list, knowledge of which is essential in order to be able to pursue the profession in question in the host Member State. The test may also cover knowledge of the professional rules applicable to the activities in question in the host Member State.

The detailed application of the aptitude test and the status, in the host Member State, of the applicant who wishes to prepare himself for the aptitude test in that Member State shall be determined by the competent authorities in that Member State’.

3 The term “adaptation period” is a standing term taken from the EU Directive on the recognition of professional qualifications, formerly 2005/36/EC, now 2013/55/EU. Deutscher Verein does not believe this term to be ideal, as it suggests a one-sided focus on the education system in the host country; instead, it would be more helpful to focus on the skills and capabilities of the applicant, as well as their recognition and validation.

4 The status enjoyed in the host Member State by the person undergoing the period of supervised practice, in particular in the matter of right of residence as well as obligations, social rights and benefits, allowances and remuneration, shall be established by the competent authorities in that Member State in accordance with applicable Community law;

5 In Bremen, the formal recognition process is conducted by the responsible Senate body. In North Rhine-Westphalia, the local authorities decide while HE institutions are merely consulted.

tions). They may be conducted in other forms that have been agreed with the respective HE institution, due to the manner of organisation in the Federal State in question.

As a rule, two re-takes are allowed for both the aptitude test and the adaptation period. The first re-take is to be completed no later than two years after failing the first attempt.

With respect to the status of the candidates who undertake an adaptation period, attention is to be paid to the particular situation specific to the Federal State in question regarding such matters as student status, academic visitors and participation in continuous development.⁶

⁶ For example, in Lower Saxony, academic visitor status is permitted for an adaptation period, because examinations have to be taken by academic visitors. In contrast, HE legislation in North Rhine-Westphalia and Bavaria provides for chargeable academic visitor status without the right to take examinations. In Saxony, Sec. 4 of Saxony's Social Work Qualifications Recognition Ordinance states that "as a general rule, the adaptation period also covers units or modules of courses which relate to the required knowledge of legal and public administration provisions in the Free State of Saxony and can be conducted as part of a degree course at a university of applied science." In Bremen, it is stipulated that the Federal State directs candidates to the HE institution where they are incorporated into the degree course module. The HE institution charges the Federal State for this.



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