

Professor Venansius Baryamureeba, chairperson of UBTEB

Post O'Level training, assessment: Who are the key players and what does the law say?

Within the Ugandan education sector and the general public there is an ongoing discussion that was sparked off by an opinion from the Solicitor General/Attorney General, the legal adviser to the Government that stated that the National Council for Higher Education was illegally accrediting post O'Level certificate courses.

The opinion further stated that Uganda Business and Technical Examinations Board (UBTEB) is the institution responsible for assessment and examination of all students including post O'Level students that have studied in tertiary institutions that teach certificate and diploma courses that fall within the ambit of Section 9 of the Business, Technical, Vocational Education and Training (BTVE) Act 2008 with exception of nursing and midwifery and allied health professional courses that are governed by Statutory Instrument No. 4 of 2009 and No. 8 of 2009 respectively.

Section 5 of the Universities and Other Tertiary Institutions Act 2001 as amended (UOTIA 2001) provides for the functions of the National Council for Higher Education (NCHE), which do not include accreditation of secondary education curriculum or its equivalent.

The mandate of NCHE is limited to matters in higher education institutions. Higher education/tertiary institutions are classified into three categories, namely diploma awarding institutions, other degree awarding institutions and degree awarding institutions/universities.

Section 76(a) and 24 (2)(a) of UOTIA 2001 provide for the main function of both a tertiary institution and a university as provision of higher education. The dictionary defines higher education as education beyond high school, especially at a college or university.

In the Ugandan education system, higher education is education obtained after attaining the Uganda Advanced Certificate of Education (UACE) or its equivalent.

Higher education in Uganda refers to education leading to the award of diplomas, degrees and graduate certificates.

Thus, as provided for in Section 10 of the Education Pre-Primary, Primary and Post Primary Act 2008, education leading to the award of a two-year undergraduate certificate (post-ordinary certificate), which is essentially equivalent to UACE is not higher education and does not fall under the mandate of the National Council for Higher Education.

Despite the fact that the dictionary defines a university as an educational institution designed for instruction, examination or both, of students in many branches of advanced learning, conferring degrees in various faculties and often embodying

colleges and similar institutions; and a tertiary institution as an institution that provides any type of education pursued beyond the high school level i.e. diplomas, degrees and graduate certificates; universities and other tertiary institutions may engage in provision of other services like secondary education and/or undergraduate certificates.

However, when they do, they cannot hide under the NCHE to offer such, but must fulfil the requirements of the institutions responsible for that level of education.

For example, for a university or any other tertiary institution to offer secondary education, it must get a license from the Department of Secondary Education, Ministry of Education and Sports (MOES); teach using the secondary education curriculum accredited by the National Curriculum Development Centre (NCDC); get an Examination Centre Number from Uganda National Examinations Board (UNEB) and have its students sit for UNEB examinations.

Similarly, a post-ordinary certificate awarding institution is licensed by the BTVE department of MOES, uses a curriculum accredited by NCDC and its students sit for national examinations.

Even a tertiary institution that wants to offer undergraduate certificates (post-ordinary certificate) must comply with the BTVE Act 2008 by getting an operational license from BTVE department and present its students to national examinations board (s) for assessment.

The BTVE Act 2008 was enacted to provide for the promotion and coordination of business, technical, vocational education and training; to provide for the principles governing BTVE; to establish the institutional framework for the promotion and co-ordination of BTVE; to establish the Uganda Vocational Qualifications Framework (UVQF); to provide for the financing of BTVE and for other related matters.

Section 1 of the BTVE Act 2008 provides for the objects of the Act as:

- to define the scope and levels of BTVE programmes and the roles of the different stakeholders in the provision of BTVE; (b) to separate the training and delivery of BTVE from quality assurance functions;
- to establish an institutional framework for the promotion and coordination of BTVE; (d) to specify the provider of BTVE; and
- to provide for mechanisms and establishment of organs responsible for the regulation of qualifications (standards, assessment and certification) and training delivery in formal and non-formal institution.

Section 5 (1) of BTVE Act 2008



UBTEB follows competence-based assessment for all courses it examines and curricula is based on competence-based education and training principles, which is prerequisite for acquisition of employability skills



Prof. John Opuda Asibo

provides that the scope of BTVE shall be all business, technical, and vocational education training from certificate to diploma level.

In relation to Section 9 of the BTVE Act 2008, every institution (be it a university or any other tertiary institution) offering courses within the scope of BTVE (business, technical and vocational education

training) at certificate and diploma level is a BTVE institution and must acquire a BTVE centre number and offer its students for national assessment by the relevant national examinations board.

Therefore, with exception of nursing and midwifery and allied health professional courses that are governed by Statutory Instrument No. 4 of 2009 and No. 8 of 2009 respectively, the power to assess and examine students on BTVE courses that have studied in tertiary institutions that teach business, technical and vocational courses at certificate and diploma level that fall within the ambit of Section 9 of the BTVE Act 2008 is with UBTEB, which was created for this purpose under Statutory Instrument No. 9 of 2009. It is worth noting that in 2014, UBTEB made rules on assessment of competences and conduct of business, technical and vocational examinations in Uganda from certificate up to diploma level to regulate the business, technical and vocational education and training examination processes which include: accreditation of examination centres, registration of candidates, item writing, moderation, assessment and administering of examinations, marking and certification of eligible candidates.

Therefore, in regard to certificate courses, NCDC accredits the curriculum that is based on the Competence Based Education and Training (CBET) principles and NCHE has no role in certificates that fall within the ambit of Section 9 of the BTVE Act 2008.

In regard to diploma courses that fall within the ambit of Section 9 of the BTVE Act 2008, NCHE is the accrediting institution for the curriculum, but NCDC is by law responsible for the development of the curriculum and assessment is by the national examinations boards provided for under Section 26 of BTVE Act 2008.

For avoidance of doubt, the NCHE while accrediting BTVE diploma courses should specifically indicate the national examinations board that is responsible for assessment in the accreditation letter.

So it is important that these distinct mandates are not violated by any institution. It may be necessary for the minister responsible for education to issue policy directives and also provide guidance in writing as per UOTIA 2001 to put to an end to the current confusion on mandates.

Section 6A of UOTIA 2001 provides that the minister responsible for higher education may issue directives of a policy nature to all institutions of higher education, whether public or private, and the institutions shall give effect to those directives.

Furthermore, Section 12 of UOTIA

2001 provides for powers of the minister to give guidance to the national council for higher education as follows: That the minister responsible for higher education may after consultation with the National Council for Higher Education (NCHE) give NCHE guidance on policy matters as may be appropriate in writing.

Section 28 of the BTVE Act 2008 makes it an offense for institutions that conduct assessment outside the statutory national examinations boards in areas under the scope of BTVE (business, technical, and vocational education training) from certificate to diploma level.

In the article that appeared on August 16, in one of the dailies, Prof. John Opuda Asibo, the executive director of the NCHE was quoted as saying that "much as the institutions may remain under BTVE and also do national examinations set by UBTEB, there are courses which are complicated for UBTEB to examine in national examinations like nuclear physics".

This statement is not only false but misleading too. When NCHE accredits such a course outside the BTVE Act, the individual institution instructors are responsible for teaching and assessment of students for the award of that specific institution.

Whereas UBTEB uses the tested system of selecting from all qualified persons within the country to undertake item writing, moderation, assessment and marking of examinations. This ensures coverage of the curricula and setting of standard examinations and avoids a scenario where the instructor assesses the students on what he or she has taught.

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Furthermore, in the same article, Prof Opuda was quoted as having said the Solicitor General had written to NCHE saying it was ok for NCHE to accredit Post O'Level certificates. How can NCHE continue to implement an opinion from the Solicitor General of February 9, 2017 that was later rescinded by the Solicitor General in an opinion dated July 13, 2017?

The BTVE department of the Ministry of Education and Sports should ensure that all the institutions that are engaged in BTVE courses including assessment and accreditation bodies are properly co-ordinated to ensure that each exercises its mandate within the confines of the law.

The author is the chairperson of Uganda Business and Technical Examinations Board (UBTEB)