

Translation from the Finnish

Unofficial translation, legally binding only in Finnish and Swedish

Ministry of Education and Culture

Act on Vocational Education and Training (531/2017)

By decision of Parliament, the following is enacted:

Chapter 1 General provisions

Section 1

Scope of application

This Act comprises provisions, within the administrative branch of the Ministry of Education and Culture, on the vocational education and training needed to complete a qualification or one or more qualification units, on education and training required for acquiring vocational competence, and on the demonstration and validation of vocational competence.

Section 2

Objectives of vocational qualifications and of vocational education and training (VET)

The objectives of the vocational qualifications and of the vocational education and training (VET) referred to in this Act are to increase and maintain vocational competence in the population, to provide opportunities for demonstrating vocational competence irrespective of how it was acquired, to develop working life and businesses and respond to their skills needs, to promote employment, to foster entrepreneurship capabilities and to support the continuous ability to work and maintain functional capacity, and to support lifelong learning and professional growth. The objectives of the vocational education and training referred to in this Act are also to promote the completion of vocational qualifications or qualification units.

Furthermore, the objectives of the vocational education and training referred to in this Act are to help students grow into decent, well-rounded and educated human beings and members of society and also to provide them with the knowledge and skills required for engaging in further studies, occupational development and leisure activities as well as to further their versatile personal development.

Section 3

Definitions

For the purposes of this Act,

- (1) *personnel training* is training provided for employees of a specific employer, partly funded by the employer and partly funded under the Act on the Financing of Education and Culture (1705/2009);
- (2) *vocational education and training to complete a qualification* is vocational education and training required for achieving vocational competence, the goal of which is to complete a vocational qualification or one or more vocational units;
- (3) *labour market training* is training for which students are selected on the basis of training needs as identified by the employment and economic development authorities, as provided under chapter 5, section 3 of the Act on Public Employment and Business Service (916/2012);
- (4) *vocational education and training provider (VET provider)* is a party to which an authorisation to provide vocational education and training as referred to in chapter 3 has been granted;
- (5) *student* is a person admitted to participate in education and training or for completing a vocational qualification or one or more units of a vocational qualification, as referred to in this Act.

Section 4

Cooperation with working life and businesses

The needs of working life and of businesses shall be taken into account in the vocational qualifications and in the vocational education and training, and in how they are provided. Cooperation with working life and with businesses shall be sought when planning, providing, assessing and developing the vocational qualifications and vocational education and training.

Chapter 2

Vocational qualifications and types of vocational education and training

Section 5

Vocational qualifications

Vocational qualifications comprise initial vocational qualifications, further vocational qualifications and specialist vocational qualifications.

An initial vocational qualification is for demonstrating broad, basic vocational competence in various tasks in the selected field and more specialised skills and vocational competence as required in working life in at least one area in the context of a functional entity of working life. Further provisions on the competence to be demonstrated in initial vocational qualifications may be issued by a government decree.

A further vocational qualification is for demonstrating vocational competence oriented according to the needs of working life, in more depth than in an initial vocational qualification or focusing on a narrower set of tasks.

A specialist vocational qualification is for demonstrating vocational competence oriented according to the needs of working life, in more depth than in a further vocational qualification in terms of having a command of the relevant occupation or of having multi-discipline skills.

The initial vocational qualification and further vocational qualification are at the level of qualification referred to in section 5, subsection 1, paragraph 2 of the Act on the Recognition of Professional Qualifications (1384/2015), and the specialist vocational qualification is at the level of qualification referred to in section 5, subsection 1, paragraph 3 of the same Act.

Section 6

Vocational education and training qualification structure

A separate decree by the Ministry of Education and Culture lays down which initial vocational qualifications, further vocational qualifications and specialist vocational qualifications belong to the VET qualification structure. By derogation from section 15, subsection 2, paragraph 2, the inclusion of a particular competence area in a qualification may be issued by a decree of the Ministry of Education and Culture if:

- (1) the organising costs for the competence area in question differ significantly from the general organising costs of the qualification;
- (2) the competence pertaining to the competence area in question is laid down by act or decree or it is regulated by an international treaty binding upon Finland, and the act, decree or treaty in question is applied only to the competence area in question included in the qualification; or
- (3) the competence area in question involves requirements as referred to in section 81, subsection 1 that differ from the general requirements for that qualification.

(547/2018)

The Finnish National Agency for Education prepares proposals for amending the qualification structure referred to in subsection 1. In preparing these proposals, the Finnish National Agency for Education shall consult the appropriate working life committee.

Qualifications may include competence areas which are defined as orientations related to an independent functional entity in the context of working life within the qualification in question. Qualification titles referred to in section 17 may also be added to a qualification. Further provisions on the principles to be applied in defining the competence areas and qualification titles to be included in particular qualifications may be issued by a decree of the Ministry of Education and Culture.

Section 7

Preparatory education and training

Preparatory education and training means preparatory education and training for vocational education and training (VET) and preparatory education and training for work and independent living.

Preparatory education and training for VET provides students with the capabilities for applying for VET and improve their potential for completing a vocational qualification.

Preparatory education and training for work and independent living provides students who require special support because of an illness or a disability with instruction and guidance appropriate to their personal goals and capabilities.

Section 8

Other vocational education and training

In addition to the provisions laid down in sections 7 and 8, the following may be provided in the form of vocational education and training:

- (1) advanced or supplementary vocational education and training, the purpose of which is not to complete a vocational qualification or qualification unit; and
- (2) preparatory education and training for a particular vocational task, specifically the tasks of a commercial pilot, an airline transport pilot, an air traffic controller or an urban rail transport driver.

Section 9

Personnel training

The qualifications and qualification units referred to in section 5, the vocational education and training to complete a qualification and the preparatory education and training for a particular vocational task referred to in section 8, subsection 1, paragraph 2 may be provided as personnel training. In labour market training, the advanced or supplementary vocational education and training referred to in section 8, subsection 1, paragraph 1 may also be provided as personnel training.

Section 10

Measurement unit and scope of qualifications

The measurement unit for initial vocational qualifications, further vocational qualifications and specialist vocational qualifications, and for qualification units, is the competence point.

The scope of initial vocational qualifications is 180 competence points. The scope of an initial vocational qualification, or of a competence area by derogation from section 15, subsection 2, paragraph 2 may be specified as more than 180 competence points by a decree of the Ministry of Education and Culture if the regulations governing the vocational field so requires.

The scope of further vocational qualifications is 120, 150 or 180 competence points. The scope of specialist vocational qualifications is 160, 180 or 210 competence points. The scope of further vocational qualifications and specialist vocational qualifications in competence points are issued separately by a decree of the Ministry of Education and Culture.

Section 11

Measurement unit, scope and completion time of preparatory education and training

The measurement unit for preparatory education and training and its units is the competence point.

The scope of preparatory education and training for VET and of preparatory education and training for work and independent living is 60 competence points.

Preparatory education and training for VET shall be completed in one year, unless the VET provider grants the student an extension due to illness or other special reasons.

In preparatory education and training for work and independent living, the completion time is determined on the basis of the student's personal needs and capabilities. The VET provider decides on the completion time for the education; however, this may not be more than three years.

Section 12

Measurement unit for qualification units or preparatory education and training units

The competence point scores required for completing qualification units or preparatory education and training units are determined according to how comprehensive, demanding and significant the competence therein covered is in relation to the vocational competence requirements or to key competence requirements of the entire qualification or preparatory education and training.

Section 13

Composition of vocational qualifications

Vocational qualifications consist of vocational units. In any qualification, or in any competence area that may be contained within a qualification, there shall be at least one compulsory vocational unit and at least one optional vocational unit.

Besides the provisions in subsection 1, initial vocational qualifications contain the following common units:

- (1) communications and interaction competence;
- (2) mathematical and science competence; and
- (3) citizenship and working life competence.

Further provisions on how qualifications are composed of vocational units and common units, what the scope of the common units is in competence points, which subjects are included in the common units, and which subjects are compulsory and which are optional, are issued a by government decree.

Section 14

Composition of preparatory education and training

Preparatory education and training consists of education and training units. Further provisions on the composition of preparatory education and training may be issued by government decree.

Section 15

National qualification requirements

The Finnish National Agency for Education determines the national qualification requirements for each of the qualifications included in the qualification structure referred to in section 6.

The national qualification requirements specify:

- (1) the qualification titles;
- (2) the competence areas included in the qualification;
- (3) the composition of the qualification, consisting of compulsory and optional qualification units, and the scope in competence points of the subjects in the qualification units and in the common units, insofar as no further provisions are issued on these in section 13 or pursuant to it;
- (4) vocational competence requirements or key competence requirements in the qualification units, and competence assessment;
- (5) insofar as the adjustment of competence assessment referred to in section 64, subsection 2 or the exception to the vocational competence requirements or to the key competence requirements referred to in section 66, subsection 1 is not possible.

The Finnish National Agency for Education shall draw up the requirements for the initial vocational qualifications so that in scope the qualifications correspond to the general upper secondary education syllabus as specified in section 7 of the Act on General Upper Secondary Education (629/1998).

The Finnish National Agency for Education shall prepare the national qualification requirements in collaboration with representatives of working life and businesses, with education providers and with other key stakeholders. In preparing the national qualification requirements, the Finnish National Agency for Education shall collaborate with the appropriate working life committee.

Section 16

Requirements for preparatory education and training

The Finnish National Agency for Education specifies the requirements for preparatory education and training for VET and for preparatory education and training for work and independent living.

The requirements for preparatory education and training specify:

- (1) the composition of the education, consisting of compulsory and optional education and training units, and the scope of the units in competence points insofar as they are not issued pursuant to section 14; and
- (2) key competence requirements and competence assessment for each of the education and training units.

Section 17

Protection of names of qualifications and of qualification titles

The names of qualifications and qualification titles referred to in this Act may only be used for qualifications completed in accordance with this Act. A 'qualification title' is an occupational title that may be used by a person who has satisfactorily completed the qualification authorising its use.

Section 18

Eligibility for further studies

Provisions on the general eligibility of holders of qualifications for further studies at universities and at universities of applied sciences are laid down in section 37 of the Universities Act (558/2009) and in section 25 of the Universities of Applied Sciences Act (932/2014).

Section 19

Right to sit the matriculation examination

Provisions on the right of students in vocational education and training to complete a qualification and of those who have completed a vocational qualification to sit the matriculation examination are laid down in section 18a of the Act on General Upper Secondary Education.

Section 20

Experimenting

Fixed-term experiments may be organised in order to further develop the qualifications and the types of education and training referred to in this Act. A permit to experiment may be granted for a maximum period of six years.

Provisions on the qualifications for which such an experimenting applies may be issued by a decree of the Ministry of Education and Culture. New types of education and training may be experimentally introduced by a Decision of the Ministry of Education and Culture. The Ministry of Education and Culture may decide that the scope of an experimental qualification shall differ from the provisions in section 10 or pursuant to it, that the scope of preparatory education and training shall differ from the provisions in section 11, or that the composition of a qualification or preparatory education and training shall differ from the provisions in section 13 or pursuant to it or in section 14 or pursuant to it.

The Finnish National Agency for Education may decide to make derogations from the national qualification requirements or education and training requirements, from the competence areas included in a qualification, or from qualification titles, for experimental purposes.

For any experiment as referred to in subsections 2 and 3, the Finnish National Agency for Education determines the national qualification requirements or education and training requirements to be observed in the experiment. The goals and content of a qualification to be completed by means of an experiment shall be such that the competence, vocational skills and eligibility for further studies required in said qualification are achieved.

Section 21

Selection of VET providers for an experiment

The VET providers for participation in an experiment are selected by application.

A sufficient number of VET providers for achieving the goals of the experiment are selected for participation in the experiment. The selection should be representative in regional and language group terms, if warranted in view of the scope and goals of the experiment. The VET providers shall have the conditions to implement the experiment in a manner consistent with goals of the experiment and without compromising the rights of the students.

Chapter 3

Provision of vocational qualifications and vocational education and training

Section 22

Authorisation to provide vocational qualifications and vocational education and training

Providing vocational education and training needed to complete a qualification or one or more qualification units and education required for achieving vocational competence as referred to in this Act requires an authorisation granted by the Ministry of Education and Culture (*authorisation to provide education*). An authorisation to provide education may be granted on application to local authorities, joint municipal authorities, registered corporations or foundations.

By a decision of the Ministry of Education and Culture, the vocational education and training needed to complete a qualification or one or more a qualification units and the education required for achieving vocational competence referred to in this Act may also be provided at state

educational institutions or on the basis of a treaty entered into by the government of Finland. The discontinuation of operations at state educational institutions is decided by the Ministry of Education and Culture, in accordance with the provisions on the authorisation to provide vocational education and training as referred to in section 8, paragraph 1, related to the qualifications specified in this chapter, as applicable.

Section 23

Vocational qualifications and types of vocational education and training specified in the authorisation to provide education

An authorisation to provide education specifies the vocational qualifications that VET providers are authorised to issue and for which they may provide vocational education and training to complete a qualification. An authorisation to provide education may further specify that the authorisation to issue qualifications and provide vocational education and training to complete a qualification shall not apply to the competence area(s) included in a particular qualification issued by a decree of the Ministry of Education and Culture pursuant to section 6, subsection 1, paragraphs 1 and 2. An authorisation to provide education also specifies the right to provide preparatory education and training. A VET provider may also provide advanced and supplementary vocational education and training for vocational competence as referred to in section 8, paragraph 1, related to the qualifications specified in the authorisation to provide education. (547/2018)

An authorisation to provide education may authorise a VET provider to provide vocational education and training as referred to in section 8, subsection 2 for a particular vocational task or to operate as a training centre providing basic professional competence training or continuing education as referred to in section 10 of the Act on the Professional Qualifications of Lorry and Bus Drivers (273/2007).

An authorisation to provide education specifies the right to provide the qualifications and vocational education and training referred to in subsections 1 and 2 as labour market training. An authorisation to provide education may also be limited to apply to labour market training only. Before deciding on any right as laid down in this subsection, the Ministry of Education and Culture shall consult the Ministry of Economic Affairs and Employment. The provision of labour market training is agreed between the VET provider and the employment and economic development authorities.

The Act on the Professional Qualifications of Lorry and Bus Drivers (273/2007) was repealed by the Act on Transport Services (320/2017). See the Government Decree on the Professional Qualifications of Lorry and Bus Drivers (434/2018), section 12.

Section 24

Language of instruction and language of qualifications

An authorisation to provide education specifies in which language(s) instruction and qualifications is provided.

The VET provider provides instruction in the language(s) of instruction specified in the authorisation to provide education. A VET provider's language of instruction may be Finnish, Swedish or Saami. A VET provider may be bilingual, in which case its languages of instruction are Finnish and Swedish. In addition to providing instruction in the language of instruction specified in the authorisation to provide education, the VET provider may provide instruction in Finland's second national language, in Saami, in Roma, in sign language or in a foreign language.

It is possible to complete a qualification or preparatory education and training in the language of qualifications specified in the authorisation to provide education. The VET provider provides qualifications in the languages of instruction specified in the authorisation to provide education and in any other languages specified separately for given qualifications or preparatory education and training in the authorisation to provide education.

Section 25

Area of operation

The authorisation to provide education specifies the area of operation to whose skills needs the operations of the VET provider principally caters. VET providers shall be obliged to provide vocational qualifications and vocational education and training in accordance with such skills needs within the area of operation specified in the authorisation to provide education. Vocational qualifications and vocational education and training may also be provided anywhere else in Finland besides in the area of operation, with the exception of the Åland Islands.

Section 26

Student years

The authorisation to provide education specifies the minimum number of student years as referred to in section 32b of the Act on the Financing of Education and Culture. The authorisation to provide education may also specify the number of student years for a particular qualification or vocational education and training if so warranted because of a special reason related to skills needs or the provision of the education.

Section 27

Specification of other rights, responsibilities, conditions and duties in the authorisation to provide education

An authorisation to provide education may specify the right to provide any qualification included in the qualification structure referred to in section 6, and the advanced or supplementary vocational education referred to in section 8, paragraph 1, in the form of apprenticeship training by means of the procurement of education as referred to in section 30.

An authorisation to provide education may specify that the VET provider is obliged to provide the qualifications and preparatory education and training referred to in section 23, subsection 1 to

students entitled to intensive special needs support as referred to in section 65, and is obliged to manage the development, guidance and support functions needed for special support.

An authorisation to provide education specifies the rights of the VET provider to provide VET in boarding schools and as prison education.

An authorisation to provide education may also specify other obligations if required for ensuring the availability of the vocational education and training in question or for other reasons related to the provision of qualifications and vocational education and training. An authorisation to provide education may further specify conditions pertaining to the provision of vocational qualifications and vocational education and training and to development and other tasks.

Section 28

Requirements for granting an authorisation to provide education

It is a requirement for granting an authorisation to provide education that the provision of the vocational qualifications and vocational education and training in question is necessary with a view to national and regional skills needs and the current supply of vocational qualifications and vocational education and training. Vocational qualifications and vocational education and training may not be provided for the purpose of financial gain.

An authorisation to provide education may be granted to an applicant that possesses the competence required for executing the duties applied for, sufficient cooperative relations with working life and businesses, and the financial and operational potential for providing in an appropriate manner the vocational qualifications and vocational education and training consistent with the duties applied for. The quality, effectiveness and performance of operations are taken into account in the evaluation of the requirements.

The Ministry of Education and Culture shall, in the decision-making concerning authorisations to provide education, ensure that the authorisations to provide education that are granted form a coherent structure that guarantees adequate availability of vocational education and training.

The procedures for applying for an authorisation to provide education, the documents and reports to be appended to the application and the detailed requirements for granting an authorisation to provide education are issued by government decree.

Section 29

Amending and revoking an authorisation to provide education

On application, the Ministry of Education and Culture decides whether to amend or revoke an authorisation to provide education.

The Ministry of Education and Culture may amend an authorisation to provide education at its own initiative if the provision of the vocational qualifications and vocational education and training in question significantly departs from the skills needs or if special reasons arising from the provision

of the vocational qualifications or vocational education and training, or reasons related to central government finances, so require.

The Ministry of Education and Culture may amend or revoke an authorisation to provide education at its own initiative if:

- (1) the vocational qualifications or vocational education and training specified in the authorisation to provide education are no longer being provided;
- (2) the vocational qualifications or vocational education and training provided, or the operating potential of the VET provider, no longer fulfil the requirements for granting an authorisation to provide education as laid down in section 28; or
- (3) the vocational qualifications or vocational education and training are otherwise being provided in a manner that constitutes a material breach of this Act or of any provisions or regulations issued pursuant to this Act.

In the case of the shortcomings referred to in subsection 3, the Ministry of Education and Culture shall allow the VET provider a reasonable amount of time to remedy said shortcomings before amending or revoking the authorisation to provide education. The Ministry of Education and Culture shall consult the Ministry of Economic Affairs and Employment before amending or revoking an authorisation to provide education as labour market training. The Ministry of Education and Culture shall, in the decision-making concerning the revoking of an authorisation to provide education, ensure that adequate availability of vocational education and training is not compromised.

No fee shall be charged for a decision concerning an authorisation to provide education referred to in subsections 2 and 3.

Section 30

Procurement of education and training

A VET provider may outsource parts of the qualifications specified in the authorisation to provide education and types of education and training preparing for it, other vocational education and training pursuant to the authorisation to provide education, and apprenticeship training as referred to in section 27, subsection 1), from another provider of vocational education and training or of other education and training, from another public body or from another private corporation or foundation. Moreover, for the purpose of enabling students to make individual choices, a VET provider may, in connection with providing the qualifications and education and training specified in the authorisation to provide education, outsource parts of qualifications and types of education and training not specified in the authorisation to provide education, along with support measures for achieving competence, from the bodies mentioned in this section. However, competence assessment for any qualification units or types of education and training may only be outsourced from a VET provider with an authorisation to provide education or from another VET provider with an equivalent authorisation.

The VET provider shall be responsible for ensuring that the qualifications, qualification units and types of education and training that it outsources are provided in accordance with this Act.

Section 31

Fee-charging services

A VET provider may provide the qualifications, qualification units and related preparative education and training, and preparatory education and training referred to in this Act, as a fee-charging service if said services are procured as referred to in section 30.

Section 32

Services and production supporting instruction

Services and production that support the vocational education and training specified in the authorisation to provide education may be added to the actual education and training where necessary.

Section 33

Commissioned education

A VET provider may provide a group of students with the qualifications, qualification units and related preparative education and training specified in the authorisation to provide education so that the education and training is commissioned and paid for by the Finnish state, another state, an international organisation, a Finnish or foreign public corporation, a foundation or a private corporation (commissioned education).

Commissioned education may not be arranged for citizens of states belonging to the European Economic Area or for persons or their family members who are deemed comparable to European Union citizens under European Union treaties or under a treaty concluded by the European Union and its Member States with another contracting party. Nor may commissioned education be arranged for persons who, under the Aliens Act (301/2004), have a European Union Blue Card, a continuous or a permanent residence permit or a long-term resident's European Union residence permit issued to third-country nationals, nor for any family members of the above. The Aliens Act is applied in the definition of persons regarded as family members.

Where the commissioned education is provided outside of Finland, the provisions of sections 70–79 and of section 95 do not apply. In other respects, the provisions of chapter 10 do not apply to commissioned education.

Section 34

Provisions applicable to commissioned education

The provisions of section 24 governing the language of instruction and qualifications, of section 25 governing the area of operation and of section 26 governing the minimum student years do not apply to commissioned education.

The provisions of chapter 4 do not apply to commissioned education, with the exception of those governing the requirements for student admissions in section 38, subsection 1 and those governing preclusion from student admissions and related access to information in sections 40 and 41.

The provisions of chapter 5 apply to commissioned education, unless otherwise agreed between the party commissioning the education and the VET provider.

The provisions of chapter 7 do not apply to commissioned education, with the exception of those governing the content of vocational education and training to complete a qualification in section 62, subsection 1, governing the adjustment of competence assessment in section 64, subsection 2, and governing exceptions to vocational competence requirements and key competence requirements in section 66.

The provisions of sections 70–79 and of section 95 do not apply if the commissioned education is provided outside of Finland. In other respects, the provisions of chapter 10 do not apply to commissioned education.

Section 35

Provision of vocational education and training to complete a qualification outside of the European Economic Area

A VET provider may provide qualifications, qualification units and education that prepares for them, specified in the authorisation to provide education, outside of the European Economic Area. Persons referred to in section 33, subsection 2 shall not be admitted as students to said education.

The following provisions do not apply to the education referred to in this section: the provisions governing the language of instruction and language of qualifications in section 24; governing the area of operation in section 25; governing the minimum student years in section 26; governing the selection of the qualifications to be completed or types of education and training in section 42; governing studies supporting learning abilities in section 63; governing the openness of instruction in section 68; governing apprenticeship training and training based on a training agreement in sections 70 to 79; and governing student welfare, the right to free meals, social benefits for students, dormitory facilities, fees charged from students, and the student body in sections 99 to 106. Section 40 of this Act only applies as regards preclusion from student admissions, and section 64, subsection 2 only applies as regards adjustment of competence assessment.

Section 36

Funding of commissioned education and of education provided outside of the European Economic Area, and fees charged

The provision of commissioned education or of education provided outside of the European Economic Area referred to in section 35 shall not compromise the VET provider's capability to provide the qualifications and types of education and training specified in the VET provider's authorisation to provide education.

The VET provider shall charge the commissioning party of the education referred to in section 33, subsection 1, or the students referred to in section 35, subsection 1, a fee covering at least the costs incurring from the provision of the education. The commissioning party for commissioned education shall be entitled to charge fees from students participating in the commissioned education according to the legislation of the country in which the commissioning party is located or according to its own practices.

Chapter 4

Applying for vocational education and training, and student admissions

Section 37

Applying for vocational education and training, and application procedures

Any person shall have the right to freely apply for the vocational qualifications or vocational education and training referred to in this Act.

In the rolling application process, the VET provider decides on the application periods and procedures. Notwithstanding the above, national application procedures may be employed for student admissions to vocational education and training for initial vocational qualifications or to preparatory education and training. National application procedures are issued by government decree.

The provisions of this chapter do not apply to personnel training, with the exception of those governing the requirements for student admissions in section 38, subsection 1, and those governing obstacles to student admissions and related access to information in sections 40 and 41. Student admissions to personnel training are decided by the employer together with the VET provider.

By derogation from the provisions of this chapter, student admissions to labour market training is decided by the Employment and Economic Development Office together with the VET provider. The provisions of chapter 5, section 3 of the Act on Public Employment and Business Service, and provisions enacted pursuant to it, along with the provisions of sections 38, 40 and 41 of this Act, apply to student applications and student admissions. Provisions on a request for review a decision made by the Employment and Economic Development Office are laid down in chapter 14 of the Act on Public Employment and Business Service. However, if a student admissions decision is based on the requirements specified in section 38, 40 or 41 of this Act, the provisions of chapter 12 of this Act apply to any request for a review.

Section 38

Requirements for student admissions

Applicants may be admitted as a student if they have completed the basic education syllabus or a corresponding earlier syllabus, or if the VET provider deems them otherwise sufficiently capable of acquiring the competence or completing the qualification that is the goal of the education and training.

In addition to the provisions in subsection 1, the following conditions apply to applicants being admitted as a student to preparatory education and training for VET:

- (1) the applicant has not completed:
 - (a) the matriculation examination referred to in the Act on the Organisation of the Matriculation Examination (672/2005) or an examination corresponding to it pursuant to section 17 of said Act;
 - (b) an initial vocational qualification, further vocational qualification or specialist vocational qualification or preparatory education and training as referred to in this Act or a comparable previous qualification or education and training ;
 - (c) a higher education degree; or
 - (d) a foreign degree or qualification equivalent to any of those referred to in subparagraphs a to c; and
- (2) the goal of the applicant after completing the preparatory education and training is to apply for studies to complete a qualification or qualification unit referred to in this Act.

However, an applicant may be admitted to preparatory education and training for VET even if he or she has completed a qualification or the education and training referred to in subsection 2, paragraph 1, if completing the preparatory education and training for VET is justified for special reasons for the purpose of achieving capabilities for further studies.

Section 39

Admissions criteria

Equal grounds shall be applied in student admissions.

VET providers decide on the criteria for their student admissions and on entrance examinations and aptitude tests. However, provisions on the student admissions criteria, entrance examinations and aptitude tests to be applied in the national applications procedure referred to in section 37, subsection 2 may be issued by a decree of the Ministry of Education and Culture.

Section 40

Accessibility in student admissions

Factors relating to the health and functional capacity of an applicant may not preclude admission. However, a person whose state of health or functional capacity makes him or her incapable of performing the practical tasks included in the type of education and training in the educational institution, workplace or other learning environment in a way consistent with the qualification and competence-related safety requirements referred to in section 81 and where the impediment cannot be removed with reasonable measures cannot be admitted as a student. (547/2018).

In the case of a qualification or competence area referred to in section 81, admission is precluded where a decision has been made to revoke the right to study under section 33 of the Act on Universities of Applied Sciences or section 43a of the Universities Act, where considerations relating to the protection of the health and safety of other persons so require. (547/2018)

The VET provider shall inform applicants about the health-related requirements and other prerequisites related to completing the qualification or education and training in question.

The Finnish National Agency for Education specifies the health requirements governing student admissions to study for the qualifications and competence areas referred to in section 81. (547/2018)

Section 41

Access to information related to student admissions

Where an applicant is applying for a qualification or competence area referred to in section 81, or if he or she is applying for education and training provided by a VET provider tasked with the provision of education and training requiring intensive special needs support referred to in section 65, the applicant shall, when requested by the education provider, supply any personal health information that is required for the assessment of admission. (547/2018)

In the case of a qualification or competence area referred to in section 81, the applicant shall, at the request of the VET provider, disclose information on any decision to revoke the right to study. (547/2018)

Notwithstanding secrecy provisions, the VET provider has the right, for the purposes of admissions requirements, to obtain essential information from other education providers, universities of applied sciences and universities, about any decision, including its justifications, to revoke an applicant's right to study.

Section 42

Selection of the qualification to be completed or type of education and training

In the rolling application process referred to in section 37, subsection 2, if an applicant has not applied for a particular qualification or type of education and training, it is the duty of the VET provider to establish, together with the applicant, which qualification, qualification unit or type of education and training is most suitable for the applicant. If the VET provider does not admit the applicant as a student, it is the duty of the VET provider to advise the applicant to apply for

education and training provided by another education provider, or to seek out another appropriate service, as necessary.

If an applicant in the rolling application process has applied for a particular qualification or education and training, the VET provider may advise the applicant to apply for a different qualification or education and training, or to seek out another appropriate service, as necessary, if the VET provider estimates on the basis of the application that some other qualification or education and training would be more suitable for the applicant.

If a student who has been admitted wishes to change to another qualification or education and training on justifiable grounds, or if a student intends to discontinue for no good reason the education and training he or she has started, it is the duty of the VET provider to explore, together with the student, which qualification or education and training would be more suitable for the student and, as necessary, to advise the student to apply for the education provided by another education provider, or to seek out another appropriate service.

Section 43

Decision on student admissions

Decisions on student admissions are made by the VET providers.

Where a national application procedure as referred to in section 37, subsection 2 is employed for student admissions, applicants may be informed of non-admission by derogation from the provisions on issuing an administrative decision in chapter 7 of the Administrative Procedure Act (434/2003). However, applicants shall be notified in writing of non-admission. An administrative decision on student admissions pursuant to chapter 7 of the Administrative Procedure Act shall be issued by the VET provider if the applicant so requests orally or in writing within 30 days of having received the notification of the decision on student admission referred to in this subsection.

Chapter 5

Personalisation

Section 44

Personal competence development plan

A personal competence development plan (PCDP) is drawn up for students who start vocational education and training, recording personal details of identification of prior learning, recognition of prior learning, acquisition of competence, competence development and demonstration of competence, and details of guidance and support measures as provided below in sections 46–49 and section 67, subsection 2. Further provisions on the details to be entered into said plan are issued by government decree.

The VET providers are responsible for preparing and updating the PCDPs.

It is the duty of the VET providers, on the basis of the students' goals and identified prior learning, to plan for whether the students should complete an entire qualification or one or more qualification units, unless this has already been decided upon pursuant to section 43. The provisions of this subsection do not apply to labour market training.

The provisions of this chapter apply to other vocational education and training as referred to in section 8 only insofar as it is apprenticeship training or training based on a training agreement.

Section 45

Preparing and approving a personal competence development plan (PCDP)

The VET providers are responsible for preparing and updating the PCDPs together with the students. A teacher assigned by the VET provider, a guidance counsellor, or another representative of the VET provider if required, participate in preparing and updating the PCDP.

If the education is being provided as apprenticeship training or training based on a training agreement, or if demonstration of competence is being organised in a workplace, then the employer or another workplace representative participates in preparing and updating the PCDP. If labour market training includes acquisition of competence at a workplace, then a representative of the employment and economic development authorities may also contribute to the preparing of said plan.

In addition, parties collaborating with the VET provider participate in preparing and updating the PCDP insofar as the acquisition or demonstration of competence based on the plan, or any guidance and support measures, are obtained through education outsourcing as referred to in section 30 or are obtained through any other kind of collaboration between the VET provider and with another VET provider or a provider of general upper secondary education or other parties.

The PCDP and any changes to it are approved by both the VET provider and the student, and also the parties referred to in subsections 2 and 3 insofar as they participate in preparing and updating the plan. In the case of an underage student, his or her parent, custodian or legal representative shall be given the opportunity to participate in preparing and updating the student's PCDP.

Section 46

Identification of prior learning

It is the duty of the VET provider to examine and identify the student's prior learning on the basis of documents and other reports presented by the student.

Section 47

Recognition of prior learning

It is the duty of the VET provider to recognise the student's prior learning insofar as it corresponds to the vocational competence requirements or key competence requirements in the national qualification requirements or education and training requirements. Prior learning is recognised on

the basis of the documents and other reports referred to in section 46. Further provisions on the procedures for recognising prior learning are issued by government decree.

The provisions of section 53, subsections 1–3 governing competence assessment, of section 54 governing assessors of competence, of section 55 governing adjustment and review of assessment, and of section 56 governing the raising of a grade, apply to the assessment of prior learning. By derogation from section 54, subsection 1, competence is assessed by two teachers or other representatives of the VET provider if prior learning is being assessed without the student undergoing a competence demonstration. If prior learning is recognised without a competence assessment, only the provisions of section 56 governing the raising of a grade apply.

The Finnish National Agency for Education may issue regulations regarding the principles for the scope of the identification and recognition of prior learning and for the conversion of grades.

Section 48

Planning acquisition of competence

It is the duty of the VET provider to plan how the student is to acquire the vocational skills or competence specified in the national qualification requirements or education and training requirements if the student possesses no prior learning to prove such competence. Also, it is the duty of the VET provider to plan for any guidance and support measures that the student may require, to monitor the student's progress and, if necessary, to plan for the studies supporting learning abilities referred to in section 63, for the special needs support referred to in section 64 and for the exceptions to vocational competence requirements and key competence requirements referred to in section 66.

The acquisition of vocational skills or competence is planned individually for each student and for each qualification unit or education and training unit.

The provisions of this section governing a student also apply to apprenticeship training applicants.

Section 49

Planning demonstration of competence

It is the duty of the VET provider to plan how the student is to demonstrate the vocational skills or competence specified in the national qualification requirements or education and training requirements.

Demonstration of vocational skills or competence is planned individually for each student and for each qualification unit or type of education and training unit.

Chapter 6

Completing a qualification or preparatory education and training, and competence assessment

Section 50

Completing a qualification or preparatory education and training

A qualification unit is considered completed when the student has proven his or her competence as defined in the national qualification requirements as laid down in section 52, or when said competence has been recognised as laid down in section 47. An entire qualification is considered completed when the student has acceptably completed all the units included in it as specified in the national qualification requirements.

A unit of preparatory education and training is considered completed when the student has demonstrated his or her competence as specified in the education and training requirements as laid down in section 52, or when said competence has been recognised as laid down in section 47. Preparatory education and training is considered completed in full when the student has acceptably completed all the units included in it as specified in the education and training requirements.

Section 51

Feedback on competence progress

Students are entitled to receive feedback on the progress of their competence while completing a qualification or taking part in a type of education and training. During vocational education and training to complete a qualification and during preparatory education and training, the students' progress in competence is assessed by the teachers responsible for the instruction and by any other representatives of the VET provider participating in the instruction, guidance or support provided to the students and, in the case of workplace education and training, the responsible workplace instructor, also assesses and gives feedback to the students. Where a student completes a qualification or a qualification unit without undergoing vocational education and training to complete a qualification, his or her competence progress is assessed and feedback is given by the assessors of competence referred to in section 54 in connection with the competence assessment.

The purpose of the feedback given to students is to guide and encourage the students to achieve the goals entered in the PCDP and to improve the students' ability for self-assessment.

Section 52

Demonstration of competence

The vocational skills and competence required in specific qualification units are demonstrated by performing practical work tasks in actual work situations and work processes (*competence demonstration*). In a competence demonstration, the student demonstrates how well he or she has attained the vocational skills or competence specified in the national qualification requirements. The competence required for completing common units in a qualification may also be proven by other means if necessary. The competence required for completing preparatory education and training units are demonstrated by means other than a competence demonstration.

The VET providers are responsible for organising competence demonstrations. Competence demonstrations are organised in practical work contexts in workplaces. However, a competence demonstration may be organised at a location other than a workplace if justifiable reasons exist. The location where the competence demonstration is held shall enable demonstration of the competence specified in the national qualification requirements. If necessary, the competence demonstrated in the competence demonstration may be complemented by another competence assessment such as may be specified by the Finnish National Agency for Education concerning competence assessment in the national qualification requirements pursuant to section 15. Students may undertake a competence demonstration irrespective of how they have acquired the competence.

The VET providers shall offer students the opportunity to demonstrate their competence as soon as possible after they are considered to have acquired the vocational competence requirements or key competence requirements specified in the national qualification requirements or education and training requirements.

Opportunities to complete qualification units shall also be offered to those to whom the authority responsible for the recognition of professional qualifications has issued a conditional decision on the recognition of professional qualifications pursuant to section 13, subsection 2 of the Act on the Recognition of Professional Qualifications, wherein the applicant is required to complete compensation measures as referred to in said Act.

The VET providers shall offer students the opportunity to complete a qualification or qualification unit also without participating in vocational education and training to complete a qualification and in cooperation with operators offering competence development services on a commercial basis.

Section 53

Competence assessment

The purpose of competence assessment is to provide information on the students' competence, to ensure achievement of the vocational competence requirements and key competence requirements specified in the national qualification requirements or education and training requirements, and to improve the students' capability for self-assessment. The students' competence is assessed in diverse ways, comparing their achievements with the competence specified in the national qualification requirements or education and training requirements. The assessment shall cover all the vocational competence requirements and key competence requirements specified for the units in question in the national qualification requirements or education and training requirements. If the competence assessment has been adjusted pursuant to section 64, subsection 2, or if an exception has been made to the vocational competence requirements or key competence requirements pursuant to section 66, the student's competence shall be assessed by comparing the student's achievements to the goals set in the student's PCDP.

The assessors assess the students' competence by qualification unit or education and training unit, and by subject in the case of common units. Based on their competence assessment, the assessors give grades for the units of a vocational qualification, the common units and their

subjects and to the preparatory education and training units, in accordance with the competence assessment scale. Provisions on the competence assessment scale are issued by government decree.

The assessors shall perform the competence assessment without undue delay once the student has completed the competence demonstration for the qualification unit or education and training unit or other demonstration of competence.

The VET providers prepare, as part of their quality assurance system, a plan for the execution of competence assessment specifically for each qualification or education and training.

The students shall be given an opportunity to self-assess their performances. This self-assessment does not affect the competence assessment nor the grade(s) given.

Section 54

Assessors of competence

The assessment of competence in units of a vocational qualification is conducted by unit, and the grading jointly decided upon, by two assessors of competence appointed by the VET provider. One of the assessors is a teacher or, where specific reasons exist, another representative of the VET provider, and the other is a working life representative. For special reasons, an assessment may be conducted and grading decided upon by two teachers or other representatives of the VET provider.

The assessment of preparatory education and training units and common units and their subjects is conducted, and the grading jointly decided upon, by a teacher or, if specific reasons exist, by another representative of the VET provider. Where a common unit or a subject therein is completed and assessed in connection with a vocational unit, a working life representative may be consulted in the assessment.

Assessors of competence shall have sufficient professional skills and competence in view of the qualification and, in particular, of the qualification unit, the common unit subject or preparatory education and training being assessed, and they shall also have a sufficient command of assessment and of the national qualification requirements or the preparatory education and training requirements being completed. It is the duty of the VET provider to instruct the working life representatives in how to assess competence. With regard to disqualification of assessors, the provisions of sections 27–29 of the Administrative Procedure Act apply.

Section 55

Request for a revised assessment, and review

Students have the right to access to information on how the assessment criteria are applied to the assessment of their competence. The procedure is issued by government decree.

A student may request in writing that the assessors revise the student's assessment, within 14 days of having received the assessment results, and information on how the assessment criteria were applied to the assessment of the student's competence. The assessors shall decide without undue delay whether to carry out a review of the assessment.

Students in vocational education and training to complete a qualification may apply to the relevant working life committee in writing to request a review of the decision on the review of the assessment referred to in subsection 2. Such a review shall be applied for within 14 days of being notified of the decision. If the assessment is manifestly incorrect, the working life committee may order a new assessment to be conducted and, where justifiable reasons exist, require the VET provider to appoint new assessors.

Students in preparatory education and training may apply to the principal in writing to request a review of the decision on the review of the assessment referred to in subsection 2. Such a review shall be applied for within 14 days of being notified of the decision. If the assessment is manifestly incorrect, the principal may order a new assessment to be conducted and, where justifiable reasons exist, appoint a new assessor.

Section 56

Reassessment and raising a grade

If a student's competence assessment is rejected, the VET provider shall provide an opportunity for the student to repeat the demonstration of competence. VET providers shall also provide an opportunity for students to raise a grade already awarded on the basis of an approved competence assessment.

Section 57

Certificate for completing a qualification

When a student completes a qualification as laid down in section 50, the VET provider shall issue the student a qualification certificate. The VET provider shall issue the student a certificate of qualification units completed if the student is only intending to complete one or more qualification units and if the student has achieved the competence level specified as the target in the student's PCDP. A certificate of qualification units completed shall also be issued if the student is considered to have discontinued his or her studies as laid down in section 97. The VET provider shall issue the student a certificate of qualification units completed if the student so requests. The certificates issued for qualifications and qualification units shall comply with the provisions on competence assessment in section 53.

If a qualification has been organised on the basis of apprenticeship training as referred to in section 27, subsection 1, the qualification certificate referred to in subsection 1 is issued by the VET provider from which the apprenticeship training was acquired. If a student is to be issued a certificate of qualification units completed only regarding qualification units organised through the procurement of education and training as referred to in section 30, the certificate is issued by the VET provider from which the qualification unit or units were procured.

However, a VET provider may not issue a qualification certificate or a certificate of qualification units completed if the student has failed to acquire the key vocational competence requirements and key competence requirements specified for the qualification units in question due to the adjustment of competence assessment as referred to in section 64, subsection 2 or an exception as referred to in section 66. In such cases, the VET provider may issue the student a certificate on the student's competence.

Section 58

Certificate of completing preparatory education and training

Students shall be issued a certificate of completing preparatory education and training by the VET provider when the students have completed preparatory education and training for VET or preparatory education and training for work and independent living as provided in section 50. A certificate on education and training units completed shall also be issued if the student is considered to have discontinued his or her studies as provided in section 97. At the student's request, the VET provider shall issue the student a certificate of education and training units completed.

Section 59

Certificate of participation in education and training

A student shall be issued a certificate of participation in other VET as referred to in section 8 by the VET provider when the education and training has ended or if the student is considered to have discontinued his or her studies as provided in section 97. At the student's request, the VET provider shall issue the student a certificate of participation in other VET.

At the student's request, the VET provider shall issue the student a certificate of participation in qualification education and training or of participation in preparatory education and training.

Section 60

Further provisions on certificates

The content of and appendices to the certificates referred to in sections 57–59 are issued by government decree. The information to be entered in the certificates and their appendices are regulated by the Finnish National Agency for Education.

Chapter 7

Acquiring competence

Section 61

Right to receive instruction and guidance

Students have the right to receive, in various learning environments, such instruction and guidance that enables the acquisition of the vocational competence requirements and key competence

requirements specified in the national qualification requirements or education and training requirements and that help students grow to become decent, well-rounded and educated human beings and members of society.

Students have the right to receive one-on-one guidance counselling and other necessary guidance.

Section 62

Content of education and training

The content and implementation of vocational education and training to complete a qualification or one or more a qualification units are decided by the VET provider in keeping with the national qualification requirements referred to in section 15 and with the education and training requirements for preparatory education and training for VET and preparatory education and training for work and independent living referred to in section 16.

If a student studying for an initial vocational qualification does not have previously acquired competence from practical job tasks related to the qualification being completed, the student's vocational education and training to complete a qualification shall include practical on-the-job training.

The content, implementation and scope of other vocational education and training is determined by the VET provider, unless otherwise provided in sector-specific legislative provisions.

Section 63

Studies supporting learning abilities

In addition to what is specified in the national qualification requirements, vocational education and training to complete a qualification may include studies supporting learning abilities. The purpose of studies supporting learning abilities is for students to achieve competence based on their individual needs so that they will have the capabilities to undertake the vocational education and training to complete a qualification and to demonstrate their competence in a competence demonstration or otherwise.

The content and education and training for studies supporting learning abilities is determined by the VET provider.

Section 64

Special needs support

Students are entitled to special needs support if they, owing to learning difficulties, a disability, an illness or other reason, require long-term or regular special assistance for learning and studying in order to acquire the vocational competence requirements or key competence requirements specified in the national qualification requirements or education and training requirements. Special needs support is defined as systematic pedagogical assistance and special arrangements for learning and studying that are based on the student's needs and abilities.

The goal of providing special needs support is for the student to acquire the vocational competence and skills required in the relevant national qualification requirements or education and training requirements. For a student receiving special needs support, competence assessment in accordance with the initial vocational qualification requirements may be adjusted by conducting a customised competence assessment for the student. However, the competence assessment may be adjusted only insofar as it is necessary in view of the student's individual objectives and capabilities.

Another goal of special needs support is to promote the student's overall rehabilitation together with a rehabilitation service provider.

Section 65

Intensive special needs support

A VET provider with an obligation to provide intensive special needs support as referred to in section 27, subsection 2 is obliged to provide vocational education and training for students with severe learning difficulties or serious disabilities or illnesses due to which they require a customised, broad-based and diverse form of the special needs support referred to in section 64.

Section 66

Exception to vocational competence requirements or key competence requirements

It is possible to make exceptions to the vocational competence requirements or key competence requirements specified in the initial vocational qualification requirements so that a student is not required to demonstrate a particular competence specified in the national qualification requirements, if:

- (1) the vocational competence requirements or key competence requirements specified in the national qualification requirements are unreasonable for the student in certain respects because of current circumstances or previously acquired competence; or
- (2) making such an exception is justified owing to the student's disability or state of health.

The purpose of making an exception is to enable the student to complete the qualification even if he or she is unable to acquire some of the vocational competence requirements or key competence requirements specified in the national qualification requirements, due to any of the causes referred to in subsection 1. Exceptions may be made to vocational competence requirements and key competence requirements only insofar as it is necessary due to the causes referred to in subsection 1.

Section 67

Deciding on special needs support and exceptions

The VET provider decides on the special needs support and on the adjustment to competence assessment provided to a student pursuant to sections 64 and 65, and the exceptions to vocational competence requirements or key competence requirements granted pursuant to section 66. The student and his or her parent, custodian or legal representative shall be heard before making any decision referred to in this subsection.

The VET provider shall record in the student's PCDP the content of any special needs support provided to the student, any adjustments made to competence assessment and any exceptions made to vocational competence requirements or key competence requirements.

Section 68

Open nature of instruction

Instruction is open, except for workplace education and training. However, for justifiable reasons observation of instruction may be restricted.

Chapter 8

Workplace education and training

Section 69

Workplace education and training through practical job tasks

The VET providers may provide the education referred to in this Act in a workplace, in connection with practical work assignments.

Section 70

Apprenticeship training

Apprenticeship training mainly comprises workplace education and training through practical job tasks, complemented as necessary with acquisition of competence in other learning environments. Apprenticeship training is based on a fixed-term employment contract between a student aged 15 or older and an employer or, in the case of a student who is in a public-service employment relationship or other comparable employment relationship governed by public law, a written fixed-term agreement between a student and an employer (*apprenticeship agreement*). A student in apprenticeship training shall have an average of at least 25 hours of working hours per week.

A student's PCDP shall be appended to the apprenticeship agreement insofar as it pertains to the apprenticeship training. The PCDP shall indicate the practical job tasks in performing of which the student may achieve the competence set as a goal. Further provisions on the matters to be agreed in an apprenticeship agreement are issued by government decree.

Apprenticeship agreements may only be signed if the VET provider and employer agree in writing on the provision of apprenticeship training. An agreement on the provision of apprenticeship training may not depart from what is agreed in the student's PCDP. Further provisions on the

matters to be agreed in the agreement between the VET provider and employer are issued by government decree.

Apprenticeship training may be provided to entrepreneurs in their own enterprise if the VET provider and the entrepreneur agree on the provision of the training as referred to in subsection 3.

Preparatory education and training, and labour market training, may not be provided in the form of apprenticeship training.

Section 71

Training based on a training agreement

In training based on a training agreement, a student achieves competence in a workplace through practical job tasks. The student is not in an employment relationship when in training based on a training agreement. The VET provider with a representative of the job provider of the training agreement agrees in writing on the student's acquisition of competence in the workplace through practical job tasks (*training agreement*).

A training agreement is a fixed-term agreement concluded on the basis of the student's PCDP, by qualification unit, for any vocational education and training other than the one referred to in section 8. The agreement may be concluded for sets that are smaller than a qualification unit, or for several qualification units. The student's PCDP shall be appended to the training agreement insofar as it pertains to the training based on the training agreement. The PCDP shall indicate the practical job tasks in performing of which the student may acquire the competence set as a goal. The student shall be informed of the training agreement and any updates to it.

In the case of the acquisition of competence by prisoners in work activities at a penal institution, the VET provider agrees on this in writing with a representative of the penal institution.

The training agreement specifies the working hours to be applied in workplace education and training, subject to the provisions of section 77, subsection 2.

Further provisions on the matters to be agreed in the training agreement are issued by government decree.

Section 72

Requirements for entering into an apprenticeship agreement and a training agreement

To enter into an agreement on apprenticeship training or a training agreement, it is required that the training workplace shall have the following, with regard to the provision of vocational education and training compliant with the national qualification requirements or PCDP and the organisation of competence demonstrations:

(1) sufficient production and service operations;

(2) the necessary tools and equipment;

(3) personnel that is qualified in terms of vocational skills, training and work experience.

A responsible workplace instructor is appointed at the training workplace who is sufficiently qualified in terms of vocational skills, training or work experience. Where an entrepreneur is undergoing apprenticeship training, the workplace instructor may come from another workplace or be someone else suitable for the task.

Section 73

Training compensation

Where it is estimated that an employer may incur costs by providing apprenticeship training, the VET provider pays training compensation to the employer as agreed in the agreement on apprenticeship training signed by the VET provider and the employer. Further provisions on how training compensation is determined may be issued by government decree.

By derogation from subsection 1, no training compensation is paid for apprenticeship training provided for entrepreneurs in their own enterprise. However, training compensation may be paid to another employer or other person as referred to in section 72, subsection 2 to cover costs incurred in providing instruction and guidance to an entrepreneur undergoing apprenticeship training.

No compensation is paid for training based on a training agreement. However, the VET provider and a representative of the job provider of the training agreement may agree that the party offering a job for training based on a training agreement to a student requiring intensive special needs support as referred to in section 65 may be paid training compensation for such a student.

Section 74

Ensuring the conditions for achieving key competence requirements

The VET providers are responsible for ensuring that the practical work assignments given to students in apprenticeship training and in training based on a training agreement are such that the key competence requirements specified in the student's PCDP can be achieved by performing those assignments.

In training based on a training agreement, it is the responsibility of the job provider of the training agreement to monitor the student's development in competence, to take action when it proves impossible for the student to achieve the competence specified in the student's PCDP, and to report to the VET provider on the implementation of the student's PCDP.

Section 75

Termination of an apprenticeship agreement and an agreement on the provision of apprenticeship training, and discontinuation of apprenticeship training

An apprenticeship agreement may be terminated by mutual agreement of the parties.

Additionally, an apprenticeship agreement based on an employment contract may be terminated:

- (1) on the grounds listed in chapter 1, section 4 and in chapter 8, sections 1 and 3 of the Employment Contracts Act (55/2001);
- (2) if the employer winds up the business, is declared bankrupt or dies; or
- (3) on the grounds for dismissal given in the Employment Contracts Act, by permission of the VET provider.

The VET provider may terminate an agreement on the provision of apprenticeship training, having consulted the student and the employer, if the workplace education and training does not comply with the provisions of this Act or provisions issued pursuant to this Act or the terms and conditions of the apprenticeship agreement.

An apprenticeship agreement is considered to have been terminated if the agreement on the provision of apprenticeship training is terminated or if the VET provider has revoked the student's right to study pursuant to section 81.

The VET provider and an entrepreneur undergoing apprenticeship training may terminate the agreement on the provision of apprenticeship training by mutual agreement. The VET provider may terminate an agreement on the provision of apprenticeship training, having consulted the entrepreneur, if the training provided does not comply with the provisions of this Act or provisions issued pursuant to this Act or the terms and conditions of the agreement between the VET provider and the entrepreneur referred to in section 70, subsection 4.

If an apprenticeship agreement is terminated on the grounds given in subsections 1–3 or 5, the VET provider shall arrange for the student to have an opportunity to acquire in some other way the competence set as a goal in the student's PCDP.

If a student is suspended from the educational institution for a fixed term, or the student's right to study is withheld, or the student's right to study is put temporarily on hold pursuant to section 96, subsection 3, the apprenticeship training is discontinued for the same period of time.

Section 76

Termination of a training agreement and discontinuation of training based on a training agreement

A training agreement may be terminated by mutual agreement of the parties.

Either party may terminate a training agreement, having consulted the other party, if the workplace education and training does not comply with the provisions of this Act or provisions issued pursuant to this Act or the terms and conditions of the training agreement.

Also, either party may terminate a training agreement:

- (1) if the job provider of the training agreement winds up the business, is declared bankrupt or dies; or
- (2) the student goes on to acquire the competence set as a goal in the student's PCDP by means of apprenticeship training.

The VET provider shall terminate the training agreement if it transpires from a notification by the student that the workplace education and training does not comply with the provisions of this Act or provisions issued pursuant to this Act or the terms and conditions of the training agreement, and there are no grounds for continuing with the training agreement. The VET provider shall consult the job provider of the training agreement before terminating the training agreement.

A training agreement terminates if the VET provider has revoked the student's right to study pursuant to section 81.

If a training agreement is terminated on the grounds given in subsections 1–4, the VET provider shall arrange for the student to have an opportunity to acquire in some other way the competence set as a goal in the student's PCDP.

If a student is suspended from the educational institution for a fixed term, or the student's right to study is withheld, or the student's right to study is put temporarily on hold pursuant to section 96, subsection 3, the training based on a training agreement is discontinued for the same period of time.

Section 77

Application of legislation governing employees and civil servants

The legislation governing employment relationships or public-service employment relationships apply to apprenticeship agreements. However, unless otherwise provided in this Act, the following provisions of the Employment Contracts Act do not apply to apprenticeship training based on an employment contract: chapter 1, sections 3 and 8; chapter 2, sections 4 and 5; chapter 4, sections 4 and 5; chapter 6; chapter 7, sections 1–5 and 7–11; chapters 9 and 10; and chapter 13 sections 3 and 4.

The Non-Discrimination Act (1325/2014) and the provisions on working hours and occupational safety and health in the Young Workers' Act (998/1993) apply in training based on a training agreement. The working hours required of a student may not exceed the regular working hours observed in the workplace in question. Also, the provisions on daily rest breaks, daily rest periods, weekly rest periods and shift rosters in the Working Hours Act (605/1996) apply to a student's work.

Section 78

Occupational safety of students

The occupational safety of a student undergoing workplace education and training through practical job tasks is the responsibility of the employer or the job provider of the training agreement as laid down in the Occupational Safety and Health Act (738/2002). The VET provider shall inform the employer or the job provider of the training agreement of said responsibility for occupational safety.

Section 79

Education management and agreement oversight

The VET provider is responsible for managing apprenticeship training and training based on a training agreement and for oversight of agreements.

Chapter 9

Safe learning environment

Section 80

Right to a safe learning environment

Students have the right to a safe learning environment.

No item or substance may be brought to an educational institution nor kept on the person during a working day the possession of which is prohibited under any Act and which may endanger the safety of self or others, or which is particularly suited to damaging property and for the possession of which there is no acceptable reason.

The VET providers shall prepare a plan for the application of disciplinary measures and related procedures. Provisions on how to prepare such a plan are issued by the Finnish National Agency for Education.

The VET providers shall adopt rules or issue other regulations to be applied at the educational institution to promote internal order, unhindered progress in studies and a safe and pleasant learning environment.

The rules or other regulations may include provisions on the practical arrangements and proper conduct necessary for the safety and amenability of the learning environment, as well as more specific regulations on the items or substances referred to in subsection 2 and on how to use and store them. Regulations may additionally be issued with regard to the handling of property of the educational institution and to remaining on and moving about the facilities and grounds of the educational institution.

Section 81

Revocation of the right to study

Where the vocational education and training to complete a qualification or occupational profile of a qualification impose demands on the safety of minors or patient or client safety, or traffic safety, the VET provider may revoke a student's right to study or right to complete the qualification in the competence area in question and the right to attend vocational education and training to complete a qualification (*revoking the right to study*), if: (547/2018)

- (1) the student, by repeatedly or seriously endangering the health or safety of another person during the education and training, has proven to be manifestly unsuitable to perform practical assignments related to the education and training at the educational institution, at a workplace or in any other learning environment;
- (2) it is evident that the student does not fulfil the prerequisites for student admissions referred to in section 40 in regard of his or her state of health or functional capacity; or
- (3) at the application stage for the qualification, the student has concealed a decision to revoke the right to study referred to in section 41, subsection 2 which could have precluded him or her being admitted as a student.

Where the practical tasks relating to the education and training substantially require work with minors at the educational institution, at a workplace or in any other learning environment, the VET provider may revoke the student's right to study where necessary in order to protect the minors, or if the student has been sentenced for a crime referred to in the Criminal Code (39/1889) chapter 17, sections 18, 18a or 19; chapter 20; chapter 21, sections 1–3 or 6; chapter 31, section 2; or chapter 50, sections 1, 2, 3, 4 or 4a.

Before revoking the right to study, the VET provider, together with the student, shall explore the student's possibilities to apply for some other qualification or education and training.

Provisions on the qualifications and areas of competence to which this section apply are issued by government decree. (547/2018)

Section 82

Access to information relating to the revocation of the right to study

Where there are justified grounds to suspect that the student has an impediment due to his or her state of health or functional capacity as referred to in section 81, subsection 1, paragraph 2, the student may be ordered to undergo examinations and tests carried out by a certified healthcare professional in order to investigate his or her state of health, if this is essential for ascertaining the student's state of health or functional capacity. The VET provider defrays the cost of the examinations and tests it orders.

Notwithstanding secrecy provisions, the VET provider has the right, for the purpose of assessing the right to study, to obtain from a qualified medical practitioner designated by the VET provider, a written statement indicating that the student underwent an examination or test to ascertain his or her state of health and an assessment of the student's functional capacity on the basis of said

examination or test with respect to the demands placed on health for completing the qualification in question.

Notwithstanding secrecy provisions, the VET provider has the right to obtain the information necessary from other VET providers, universities of applied sciences or universities about any decision, including its justifications, to revoke an applicant's right to study where it is deemed necessary for assessing the right to study.

At the request of the VET provider, the student shall provide an extract of any and all entries about him or her in the criminal records referred to in section 6, subsection 5 of the Criminal Records Act (770/1993) for the purpose of an assessment of the right to study, as referred to in section 81, subsection 2, if the practical tasks relating to the education and training at the educational institution, at the workplace or other learning environment which substantially require working with minors.

Notwithstanding secrecy provisions, the VET provider is obliged to provide the National Supervisory Authority for Welfare and Health with information on any pending process related to revocation of the right to study referred to in section 81 and other decisions related to revocation of the right to study and its justifications, when such information is necessary for the execution of the Authority's statutory duties.

Section 83

Reinstatement of the right to study

A student whose right to study has been revoked under section 81, subsection 1, paragraph 2 may apply to the VET provider for the reinstatement of the right to study. The right to study shall be reinstated if the applicant proves that the reasons for the revocation no longer exist. The student shall submit statements on his or her state of health to the VET provider.

Notwithstanding secrecy provisions, the VET provider is obliged to provide the National Supervisory Authority for Welfare and Health with information on any decision to reinstate the right to study and its justifications, when such information is necessary for the execution of the Authority's statutory duties.

Section 84

Drug testing

The VET provider may oblige a student to present a drug test certificate when there are justifiable grounds to suspect that the student is under the influence of intoxicating substances while performing practical tasks in training at the educational institution, at a workplace or in any other learning environment, or that the student has a substance addiction problem. Another precondition is also that the testing be necessary for ascertaining the student's functional capacity and that the student performs tasks which require especial acuity, reliability, independent judgement or good reactions and where working under the influence of drugs or drug addiction :

(1) seriously endangers the student's or some other person's life or health

- (2) seriously endangers traffic safety;
- (3) seriously endangers the protection or integrity of data protected by confidentiality provisions;
or
- (4) significantly increases the risk of illicit trafficking or distribution of substances referred to in section 3, subsection 1, paragraph 5 of the Narcotics Act (373/2008) which are in the possession of the VET provider, the employer referred to in section 70 or the training agreement job provider referred to in section 71.

A 'drug test certificate' means a certificate by a registered healthcare professional appointed by the VET provider attesting that the student has undergone a test to detect the presence or absence of a substance referred to in section 3, subsection 1, paragraph 5 of the Narcotics Act as well as a statement based on the test as to whether the student has used narcotics for purposes other than medical treatment in a way which undermines his or her functional capacity. The certificate shall be submitted within a reasonable period of time determined by the VET provider. The student's parent or custodian shall be notified of the request to submit a drug test certificate.

The VET providers shall have written guidelines drawn up in cooperation with student healthcare and welfare officials for preventing the use of narcotics by students and for intervening in drug problems.

The VET provider defrays the cost of the drug test certificate referred to in this section.

In other respects, a drug test performed on a student is governed by the provisions on drug tests on employees of section 19 of the Occupational Health Care Act (1383/2001).

Section 85

Disciplinary measures

A student may be issued a written warning if he or she:

- (1) disrupts teaching;
- (2) behaves violently or threateningly in the learning environment;
- (3) acts under false pretences or otherwise causes disorder at the educational institution or any other learning environment;
- (4) refuses to present a drug test certificate as referred to in section 84; or
- (5) has used narcotics, based on the statement referred to in section 84, for purposes other than medical treatment in a way that undermines his or her functional capacity.

If the student's deed or negligence is serious in nature or if the student carries on the inappropriate conduct, in the sense referred to in subsection 1, following receipt of a written warning, the student may be suspended from the school for a fixed period of time not exceeding one year.

A student who disrupts teaching, behaves threateningly or aggressively or endangers the life or health of another person may be ordered to leave the classroom or premises where teaching takes place or an event organised by the VET provider for the remainder of the lesson or event.

A student may be banned from attending instruction for a maximum of three school days if there is a risk that the safety of a fellow student or other person working in the educational institution or premises in which instruction is provided is under threat by the violent or aggressive behaviour of such a student or if he or she displays disruptive behaviour so as to inordinately complicate instruction and related activities.

Where a student refuses to undergo the examinations for ascertaining his or her state of health referred to in section 82, subsection 1, his or her right to study may be withheld until he or she consents to undergo the necessary examinations. If a student refuses to provide an extract of entries on him or her in the criminal records as referred to in section 82, subsection 4, his or her right to study may be withheld until he or she consents to present the extract.

Section 86

Disciplinary measures in dormitories

Besides the provisions on disciplinary measures laid down in section 85, if the conduct of a student residing in the VET provider's dormitory as referred to in section 103 is threatening or aggressive in the dormitory premises or the student breaches the dormitory rules, he or she may be issued a written warning.

If the student's deed or negligence is serious in nature or if the student continues to behave inappropriately, in the sense referred to in subsection 1, after having received a written warning, he or she may be expelled from the dormitory for a fixed term or for the remainder of the student's studies.

Section 87

Removal of a disruptive and potentially dangerous student

The principal and teacher shall have the right to remove from the classroom or other teaching facility or event organised by the VET provider a student who fails to comply with the order to leave referred to in section 85, subsection 3. The principal and teachers shall also have the right to remove from the grounds of the educational institution a student who fails to leave after having been served a notice of being banned from instruction under section 85, subsection 4.

If the student to be removed resists the efforts to remove him or her, the principal and teacher have the right to remove the student using reasonable coercive measures deemed necessary with

due regard to the student's age and the imminence of the threat or the degree of resistance put up by the student based on an overall assessment of all relevant circumstances.

In the situations described in subsections 1 and 2, the principal and teacher may act together or separately. No implements of force may be used to remove a student. A teacher or a principal resorting to coercive measures shall submit a written report of the incident to the VET provider.

Provisions on excessive use of coercive measures are laid down in chapter 4, section 6, subsection 3, and section 7 of the Criminal Code (39/1889).

Section 88

Disciplinary action in relation to pending legal action and a court order

During the period of time that legal action is pending against a student before a general court of law, no disciplinary measures may be taken or pursued in respect of the student on the same grounds.

If a court of law acquits a student of the charge, no disciplinary measures may be taken or pursued in respect of the student on the same grounds except in case of acts that cannot be considered criminal offences but still warrant disciplinary action.

If a court of law sentences a student to a sanction, no disciplinary action may be taken against him or her on the same grounds. However, the student may be suspended from the educational institution or expelled from a dormitory for a fixed term or for the duration of his or her studies, if this is justified in view of the criminal offence committed by the student or related circumstances.

Section 89

Right to confiscate items or substances

The principal or teacher may, during the school day and acting together or separately, confiscate from students items or substances banned under section 80, subsection 2.

If the student in possession of a banned item or substance resists the efforts to confiscate it, the principal and teacher shall have the right to use such reasonable coercive measures as deemed necessary to confiscate the item or substance with due regard to the student's age and the imminence of the threat or the degree of resistance put up by the student based on an overall assessment of all relevant circumstances. The right to use coercive measures only applies in respect of items and substances that pose a risk to the student's own safety or that of others.

No implements of force may be used in the confiscation referred to in the foregoing subsections 1 and 2. Provisions on excessive use of coercive measures are laid down in chapter 4, section 6, subsection 3, and section 7 of the Criminal Code.

The rights and obligations laid down in this section apply for as long as the student participates in the education and training or other activities specified in the PCDP as endorsed by the VET provider.

Section 90

Right to inspect items in students' possession

The principal and teacher shall have the right, during the working day, to inspect items in the student's possession and any lockers assigned to the student as well as carry out a superficial inspection of his or her clothing in order to confiscate a banned item or substance referred to in section 80, subsection 2 that may pose a risk to the student's own safety or that of others if it is obvious that the student is in possession of such an item and substance but refuses to surrender them despite a request to do so or fails to reliably demonstrate that he or she is not in possession of such items or substances.

Before any inspection, the student shall be informed of the reason for it.

The person performing the inspection shall be of the same gender as the student subjected to the inspection. In addition to the person performing the inspection, it shall be attended by another adult staff member of the educational institution. At the student's request, the inspection shall be attended by a member of the school staff selected by the student if said person is available.

However, a derogation may be made from the procedure stipulated in subsection 3 in urgent cases if this is absolutely necessary for security reasons.

The rights and obligations laid down in this section also apply when the student participates in education and training or other activities specified in the PCDP as endorsed by the VET provider.

Section 91

General guidelines for confiscation and inspection

The measures referred to in sections 89 and 90 shall be carried out as safely as possible. The measures may not interfere with the student's personal integrity and privacy to a greater extent than necessary in order to ensure a disruption-free learning environment and safety. Any confiscation of items and substances and inspections shall be carried out with due discretion considering the circumstances. The VET providers shall prepare plans and guidelines in view of such measures.

A teacher or principal resorting to coercive measures pursuant to section 89 shall submit a written report of the incident to the VET provider. Records shall be made of any inspections and confiscation of items and substances. The parents or custodians of minor students shall be notified of any confiscation or inspection as soon as possible.

Section 92

Handing over and disposal of confiscated items and substances

An item or substance confiscated by a teacher or principal under section 89 shall be handed over to the student's parent, custodian or other legal representative or, if the student is of age, to the student himself or herself. However, the items and substances shall be turned over to the police or

other statutory authority if the student, his or her parent, custodian or other legal representative is not authorised to hold them in their possession.

The items and substances shall be held in safekeeping before they are handed over. The handing over of items and substances shall be arranged as soon as possible after confiscation. Any confiscated drugs, firearms, weapon components, cartridges, rounds and gas sprays and explosives shall be turned over to the police immediately. Items and substances to be handed back to the student himself or herself shall be handed over at the end of the working day.

If the parent or custodian fails to retrieve an item or substance within three months of the service of the notice of confiscation, the item and substance may be disposed of in a documented manner. Records shall be made of the disposal and return of items and substances.

Section 93

Procedure in matters on the revocation and reinstatement of the right to study and in disciplinary matters

Decisions to issue a written warning to a student are made by the principal. Decisions to revoke or reinstate the right to study, to suspend a student for a fixed period of time, to expel a student from a dormitory and to withhold the right to study are made by a multi-member body appointed by the VET provider. The decision to suspend a student for a fixed period or expel a student from a dormitory for a period that does not exceed three months may also be made by the school principal if so determined by the VET provider.

The multi-member body referred to in subsection 1 shall include at least representatives of the VET provider, student welfare, teachers, working life and students. The chair of the body and its other members are appointed by the VET provider for a maximum term of three years at a time. In matters concerning the revocation and reinstatement of the right to study, a representative of the training agreement workplace or, in the case of apprenticeship training, a representative of the employer is appointed to the body by the VET provider. A person other than a representative of students shall be appointed as the chair of the body. Student members shall be aged 15 or older. The student member has the right to attend and speak at the meetings of the body. The voting members of the body are subject to liability for acts in office. The VET provider decides on the more specific practices and decision-making procedures of the body. The body may also be a joint body serving two or more VET providers.

Before a decision to revoke the right to study is made, any appropriate experts and accounts of the matter shall be obtained and the student and his or her parent or custodian shall be given an opportunity to be heard.

Before a student can be suspended from the educational institution, expelled from a dormitory or issued a written warning, the deed or negligence leading to the disciplinary measure shall be itemised, the necessary accounts shall be obtained, and the student shall be given the opportunity to be heard. Before suspending a student from the educational institution or expelling a student from a dormitory, the student's parent or custodian shall also be heard. Any other measures taken pursuant to section 85 shall be reported to the student's parent or custodian.

A decision on disciplinary measures, revocation of the right to study or withholding of the right to study shall be issued in writing, and an account shall be made of any measures taken under section 85, subsections 3 and 4.

A decision on the enforcement of a decision not yet legally enforceable and the date of commencement of enforcement shall be made at the same time as the decision on the revocation of the right to study, suspension for a fixed period of time, expulsion from a dormitory or of the withholding of the right to study.

Chapter 10

Other rights and responsibilities of students

Section 94

Obligations of the students

Students shall attend instruction and competence demonstrations and other events for demonstration of competence as specified in their PCDP, unless exempted for a justifiable reason. The provisions on student attendance in instruction and study progress laid down in chapter 5 section 4, subsection 2 of the Act on Public Employment and Business Service also apply to labour market training.

Students shall complete their tasks diligently and observe appropriate conduct.

Provisions on students' liability for loss or damage are laid down in the Tort Liability Act (412/1974).

Section 95

Student secrecy obligation

Students are subject to the same secrecy obligation provisions involving any information gained during workplace education and training that govern employees and public officials performing similar duties.

Section 96

Right to study

The student's right to study begins at a time determined by the VET provider.

The student's right to study terminates when the student has completed the qualification or one or more qualification units or the education and training to which he or she was admitted as a student under this Act, or when the student is considered to have discontinued as a student under section 97.

Students are entitled to temporarily put their right to study on hold while in active service in accordance with the Conscription Act (1438/2007), the Non-Military Service Act (1446/2007) or the Act on Women's Voluntary Military Service (194/1995), or while recipient of a sickness allowance, a maternity allowance, a paternity allowance or a parental allowance under the Health Insurance Act (1224/2004). At the request of the student, the right to study may also be temporarily put on hold for other justifiable reasons.

Section 97

Discontinuation as a student

Where it is evident that a student has no intention to participate in instruction and competence demonstrations and other events for demonstration of competence as specified in his or her PCDP and the student has failed to provide justifiable reasons for his or her absence, or a student who has failed to complete preparatory education and training within the time specified in section 11, are deemed to have discontinued as a student. In such cases, a decision shall be made by the VET provider whereby the student is considered to have discontinued his or her studies.

Students who provide the VET provider with written notification of their decision to discontinue their studies are also deemed to have discontinued their studies. In such cases, the student is considered to have discontinued his or her studies on the date when the notification reaches the VET provider.

Section 98

Right to study in labour market training

The provisions in section 96, subsection 1 on the commencement of the right to study and the provisions in section 96, subsection 3 on temporarily putting the right to study on hold do not apply to labour market training. In labour market training, the right to study commences and terminates at times established between the VET provider and the Centre for Economic Development, Transport and the Environment or the Employment and Economic Development Office. The provisions of chapter 5, section 5 of the Act on Public Employment and Business Service also apply to the termination of the right to study in labour market training.

Section 99

Student welfare

Provisions on the right of students studying to complete an initial vocational qualification and of those in preparatory education and training for VET to access student welfare and student welfare services are laid down in the Student Welfare Act (1287/2013). The Finnish National Agency for Education determines the key principles and goals of student welfare by regulation. The regulation by the Finnish National Agency for Education shall be prepared jointly with the Finnish Institute for Health and Welfare. Based on the regulation issued by the Finnish National Agency for Education, the VET providers make decisions on how student welfare services are provided.

Provisions on student healthcare are laid down in the Health Care Act (1326/2010).

Students other than those referred to in the Student Welfare Act are given information by the VET provider on student welfare benefits and services available to them and, where necessary, the VET provider guides students to apply for such benefits and services. The VET provider shall cooperate with the authorities and other parties that provide and organise student welfare services. Student welfare is defined as the promotion and maintenance of a good standard of learning, good physical and mental health and social wellbeing, and conditions conducive to these.

Section 100

Right to free meals

Students in full-time vocational education and training to complete an initial vocational qualification and in preparatory education and training are entitled to a free meal on those days on which they are required, by their PCDP, to be present in the educational location designated by the VET provider. In addition to the above, students admitted to vocational education and training organised in a boarding-school, in accordance with the authorisation to provide education, or based on provisions on vocational education and training for initial vocational qualifications issued by government decree that, for the acquisition of competence, demands the student's presence at an educational location designated by the VET provider for a period of time longer than an ordinary working day, have the right to other daily meals free of charge.

The provisions of subsection 1 do not apply to students in apprenticeship training, labour market training or personnel training.

The definition of full-time studies complies with the provision of section 5a of the Act on Financial Aid for Students (65/1994).

Section 101

Social benefits for students receiving special needs support

Students receiving special needs support as referred to in section 64 are entitled to the necessary assistant services and special aids required for their studies. In addition, students receiving intensive special needs support as referred to in section 65 may be provided the following without charge: textbooks, other school supplies, personal work equipment and, if the student requires student accommodation, weekly trips home as necessary and room and full board in a dormitory or other accommodation.

Further provisions on other services and support measures given to students on the basis of disabilities are issued separately.

Section 102

Social benefits for students in apprenticeship training

The VET provider of students attending apprenticeship training pays, on application, students a daily allowance and family assistance for the duration of competence acquisition in the VET

provider's place of instruction, and also compensation for accommodation and travel costs. Where students are, pursuant to another act, recipient of a wage or compensation for loss of earnings for the same period, they are not entitled to a daily allowance or family assistance.

Students are entitled to compensation for accommodation costs if the acquisition of competence in the VET provider's place of instruction is organised outside the student's municipality of residence as referred to in the Municipality of Residence Act (201/1994) or outside the municipality where the apprenticeship workplace is located, and the student is not entitled to accommodation free of charge in a dormitory as referred to in section 103.

Students are entitled to compensation for travel costs if the acquisition of competence in the VET provider's place of instruction requires the student to travel more than 10 kilometres one way from the student's home or apprenticeship workplace to the place of instruction. Students are entitled to compensation for one such return journey per week. For special reasons, travel compensation may be paid on a daily basis if the student is living at home. A student who receives compensation for daily travel costs is not entitled to compensation for accommodation costs. Travel compensation is only paid for journeys within Finland using the most affordable means of transport available between the place of instruction and the student's home or apprenticeship workplace, according to the actual place of departure and arrival.

Students are also entitled to the benefits referred to in this section when participating in a competence demonstration or other demonstration of competence.

Further provision on the magnitude of the daily allowance, family assistance and accommodation compensation are issued by a decree of the Ministry of Education and Culture.

Section 103

Provision of student accommodation facilities

The VET provider may have dormitories for students.

Accommodation in the VET provider's dormitories is free of charge for students.

In the interests of safety and comfort, the VET provider may issue rules of procedure for the dormitories. The rules may include provisions on the practical arrangements and appropriate conduct necessary for safety and amenability in the dormitories. Regulations may additionally be issued with regard to items or substances referred to in section 80, subsection 2 and their proper handling and storage. Regulations may also be issued to prohibit the use and possession of intoxicants. Additionally, regulations may be issued with regard to the handling of the educational institution's property in dormitories and to remaining on and moving about the facilities and grounds of the dormitories.

Section 104

Granting a placement in a dormitory and the right to a placement in a dormitory

The VET providers decide on the criteria for granting a placement in a dormitory. Equitable criteria shall be applied in granting a placement in a dormitory and the applicant's need for accommodation in a dormitory shall be taken into account. The criteria for granting a placement in a dormitory shall be communicated to applicants in advance.

A placement in a dormitory is granted for a fixed period of time, though for a maximum period that does not exceed the duration of the student's studies. The right to a placement in a dormitory expires, however, if:

- (1) the student completes a qualification or preparatory education and training or otherwise acquires the competence set as a goal in the student's PCDP before the end of the said fixed period of time;
- (2) the student is deemed to have discontinued his or her studies as referred to in section 97;
- (3) the student's right to study is revoked.

If a student is suspended from an educational institution for a fixed period of time under section 85, subsection 2 or section 88, subsection 3, or the student is banned from attending instruction under section 85, subsection 4, or the student's right to study is withheld under section 85, subsection 5, or the student's right to study is temporarily put on hold under section 96, subsection 3, the VET provider may decide that the student's right to a placement in a dormitory is put on hold for the same period of time.

The provisions of section 103, subsection 2 and of subsection 1 in this section do not apply to students in labour market training or personnel training.

Section 105

Fees charged from students

The studies for an initial vocational qualification and preparatory education and training referred to in this Act are free of charge for students. The entrance examinations and aptitude tests used in student admissions are also free of charge for applicants. A price may instead be charged for learning materials and supplies that will remain with the student after the studies are completed.

In studies for a further vocational qualification or a specialist vocational qualification, and in the other vocational education and training referred to in section 8, the VET provider may charge students a reasonable fee for instruction to offset the costs of providing the education and training.

The fees referred to in subsections 1 and 2 may not be charged for labour market training or personnel training.

If a student wishes to raise a grade entered on a certificate issued for completing a qualification as referred to in section 57 or for completing preparatory education and training as referred to in section 58, the student may be charged a fee for raising a grade that has already been approved.

The VET provider may, at its discretion, reduce or waive the fees referred to in subsections 2 and 4 if the student is of limited resources.

If a fee referred to in this section charged from a student has not been paid by the due date, an annual interest on late payment may be charged from the due date as laid down in the Interest Act (633/1982). Such a fee is directly enforceable. Provisions on the collection such fees are laid down in the Act on the Enforcement of Taxes and Public Payments (706/2007).

Provisions on the criteria for the fees referred to in this section are issued by a decree of the Ministry of Education and Culture.

Section 106

Safeguarding means of influence for students, and student bodies

The VET providers shall ensure that students are empowered to influence the activities and development of education providers referred to in this Act and to participate in the preparation of decisions concerning students and affecting the position of students.

The educational institutions of VET providers shall have a student body consisting of the students of the educational institution. The different educational institutions of a VET provider may also have a joint student body. If the vocational education and training provided by the VET provider is principally intended for the purpose of its own operations or that of one of its member organisations, the VET provider is not required to have a student body. The VET providers shall make sufficient resources available for the activities of the student bodies.

The mission of the student bodies is to promote cooperation between students, improve their potential for engagement and exercise of influence and develop cooperation between students and VET providers.

In addition to student body activities, VET providers shall ensure in other respects too that students have the potential for participation and influence in the matters referred to in subsection 1. VET providers shall inform students of the means of participation and influence available to them.

Chapter 11

Processing and disclosing data

Section 107

Processing sensitive data

Data on the health of an applicant or a student as referred to in sections 40, 81, 83 and 84 may be processed exclusively by those who prepare or make the decisions on student admissions,

revocation of the right to study, on reinstatement of the right to study or on disciplinary measures, or who issue statements on said matters.

Data on an extract from the criminal record as referred to in section 82 of a student in vocational education and training to complete a qualification may only be handled by those who prepare or make the decisions on revocation of the right to study.

The VET provider shall define the duties that involve the processing of sensitive information.

The VET provider shall store sensitive data separately from other personal data. Sensitive data shall be erased from the register immediately once there is no further statutory cause for retaining them; however, at the latest after four years have elapsed from when the data were entered in the register.

Unless otherwise provided in this Act, the provisions of the Personal Data Act (523/1999) apply to the processing of personal data.

Section 108

Openness and the right to obtain information

The Act on the Openness of Government Activities (621/1999) applies to the operations referred to in this Act.

Notwithstanding secrecy provisions, in the course of executing its duties, VET providers are entitled to obtain such statistical data and other data from central and local government authorities that are necessary for planning and providing the vocational education and training.

Notwithstanding secrecy provisions, VET providers shall submit by request to the central government education authorities the necessary data for the assessment, development, statistics and oversight of education that they require.

Notwithstanding secrecy provisions, VET providers shall submit by request to the working life committees referred to in section 119 the data that they require for carrying out their statutory duties.

Section 109

Right to obtain information in matters concerning a student

Notwithstanding secrecy provisions and other provisions restricting access to information, an Employment and Economic Development Office, a Centre for Economic Development, Transport and the Environment and the development and administration centre for Employment and Economic Development Offices have the right to obtain free of charge the data necessary for implementing labour market training from an education provider organising the labour market training.

Notwithstanding secrecy provisions and other provisions restricting access to information, an education provider organising labour market training shall have the right to obtain free of charge the data on students that are necessary for organising said training from an Employment and Economic Development Office, the customer service centre of the employment and economic development administration or a Centre for Economic Development, Transport and the Environment.

Notwithstanding secrecy provisions, the VET provider shall immediately deliver to the National Supervisory Authority for Welfare and Health data on vocational qualifications completed as required in the Act on Health Care Professionals (559/1994) and the Act on Social Welfare Professionals (817/2015) and provisions enacted pursuant to them.

Notwithstanding secrecy provisions, such information on a student's state of health and functional capacity as are necessary for the execution of the duties may be supplied by the holder of this information to:

- (1) the principal or director of an educational institution, or other person responsible for the security of the educational institution, for the purpose of ensuring a safe learning environment;
- (2) persons responsible for guidance counselling, for the purpose of guiding the student to other studies and support services;
- (3) persons responsible for student healthcare, for the purpose of ensuring the health and safety of the student and for the purpose of referring the student to support services;
- (4) persons responsible for workplace education and training, for the purpose of ensuring the safety of the student and of the employees and customers at the workplace; and
- (5) the police and any representative of the VET provider who has primarily responsible for investigating threats to security, for the purpose of assessing if there is an immediate threat to safety or if an assessment of the student's state of health indicates that the student poses a threat to the safety of others.

Notwithstanding secrecy provisions, persons responsible for executing the duties in this Act have the right to inform the police of essential details for the purpose of assessing an immediate threat to life or health and to prevent a threatening act, if they, in performing their duties, have obtained information about circumstances that leads them to believe that someone may be in danger of becoming the target of violence.

Section 110

Data transfer over a technical interface

The information contained in the registers referred to in this Act may be disclosed to those legally entitled to such information over a technical user interface. Before the technical interface is

opened, the party disclosing the information shall ensure that adequate steps are taken to guarantee data security.

Chapter 12

Review procedure

Section 111

Request for review

A person subject to a decision by a VET provider as referred to in this Act may request for an administrative review of the decision from the Regional State Administrative Agency as provided in the Administrative Procedure Act, unless otherwise provided below, if the decision concerns:

- (1) the completion time of preparatory education and training as referred to in section 11;
- (2) student admissions as referred to in section 43;
- (3) special needs support as referred to in section 64 or adjustment of competence assessment as referred to in section 64, subsection 2;
- (4) an exception to vocational competence requirements or key competence requirements as referred to in section 66;
- (5) the obligation to submit a drug test certificate as referred to in section 84;
- (6) the right of the student to put his or her studies temporarily on hold as referred to in section 96;
- (7) deeming a student to have discontinued his or her studies as referred to in section 97.

Section 112

Judicial review in an administrative court

A person subject to a decision by a VET provider as referred to in this Act may request a judicial review by way of appeal to that decision to the relevant administrative court as provided in the Administrative Procedure Act (586/1996), unless otherwise provided below, if the decision concerns:

- (1) a written warning issued to a student as referred to in section 85 or 86;
- (2) the suspension for a fixed term of a student from the educational institution as referred to in section 85;
- (3) the withholding of the right to study as referred to in section 85;

- (4) the expelling of a student from a dormitory as referred to in section 86;
- (5) the right to free meals as referred to in section 100;
- (6) the social benefits for students receiving special needs support as referred to in section 101;
- (7) the social benefits for students in apprenticeship training as referred to in section 102;
- (8) the right of a student to a dormitory placement as referred to in section 104.

A decision on a request for review referred to in section 111 may be appealed to the relevant administrative court as provided in the Administrative Procedure Act (586/1996), unless otherwise provided below.

Section 113

Appeal to the Students' Legal Protection Board

A person subject to a decision by a VET provider concerning the revocation or reinstatement of the right to study as referred to in this Act may appeal that decision to the Students' Legal Protection Board as provided in the Administrative Procedure Act, unless otherwise provided in this Act. Provisions on appealing the decisions of the Students' Legal Protection Board are laid down in the Act on the Students' Legal Protection Board (956/2011).

Section 114

Time allowed for appeal

Any request for a judicial review regarding a written warning issued to a student, suspension for a fixed term, expulsion from a dormitory, revocation or reinstatement of the right to study, the withholding of the right to study or matters referred to in section 112, subsection 2, or a request for review in a matter referred to in section 111, shall be lodged within 14 days of receiving notice of said decision.

All matters referred to in this section shall be processed as a matter of urgency.

Section 115

Implementation of disciplinary measures or a decision to revoke the right to study

A decision to suspend the student for a fixed period of time or to expel a student from a dormitory, withhold the right to study or revoke the right to study may be enforced irrespective of any appeal, unless otherwise ordered by the administrative court or the Students' Legal Protection Board.

Section 116

Prohibition to appeal

Decisions regarding the acquisition of competence as specified in a student's PCDP are not subject to appeal insofar as it related to the time or place of completion of the studies. Matters regarding a student's individual options or in a matter referred to in section 85, subsections 3 and 4 are not subject to appeal either. A decision of the administrative court by which an appeal in a matter referred to in section 111 is resolved is not subject to appeal. A decision of a working life committee or the principal regarding a request for review as referred to in section 55 is not subject to appeal either.

Section 117

Leave to appeal

Unless otherwise provided elsewhere by law, an appeal against the decisions of an administrative court may only be lodged to the Supreme Administrative Court if it gives leave to appeal.

Chapter 13

Miscellaneous provisions

Section 118

Personnel

Each educational institution and each operating unit of the VET provider where the education or qualifications referred to in this Act are provided, shall have a principal or other director responsible for its operations who fulfils the qualification requirements specified for principals. However, the VET provider may decide to have one principal or director responsible for the operations of more than one operating unit. A bilingual educational institution shall have a principal or other director for each of the two language groups, or else a principal or other director with a complete command of both of the languages of instruction used at the educational institution. Any and all provisions in this Act concerning the principal also apply to any other director responsible for operations.

The VET provider shall have a sufficient number of teachers relative to how the vocational education and training is provided, either in permanent positions or in contractual employment. The VET provider may also employ fee-paid teachers and other personnel.

Provisions on the qualification requirements for principals and teachers are issued by government decree. The Regional State Administrative Agency may grant an exemption from the requirements on special grounds. In an individual case, a university may find a person qualified to teach in a specific area of the arts, as issued in provisions by government decree.

Section 119

Appointment and composition of working life committees

The Finnish National Agency for Education appoints working life committees for a term of no more than three years at a time, and appoints no more than nine members to each committee. The committee members shall represent employers, employees, the education sector and, if self-

employment is common in the sector, self-employed professionals. Additionally, the Finnish National Agency for Education may, on application by a working life committee, appoint permanent expert members to a committee. The fees paid to the members of the working life committees are decided by the Finnish National Agency for Education, which also manages the committees' payment transactions, accounting and archiving.

The members of the working life committees are bound by liability for acts in office. The provisions of sections 27–29 of the Administrative Procedure Act apply with regard to disqualification of members of the working life committees.

Further provisions on the appointment, composition and decision-making of the working life committees may be issued by government decree.

Section 120

Duties of the working life committees

The Finnish National Agency for Education decides on the division of duties between the working life committees for each qualification. Matters to be taken into consideration when determining the qualification-specific division of duties include the vocational skills and competence to be demonstrated in the vocational qualifications and also the number and scope of the individual qualifications and the number of VET providers providing the vocational education and training to complete a qualification and the number of students studying for each qualification.

The duties of the working life committees are to:

- (1) participate in the quality assurance of the execution of competence demonstrations and of competence assessment, and to notify the Ministry of Education and Culture of any shortcomings observed, and to submit to the Ministry of Education and Culture on request statements on competence assessment implementation plans by VET provider and by qualification;
- (2) participate in the development of the VET qualification structure, of vocational qualifications and of their requirements with the Ministry of Education and Culture and with the Finnish National Agency for Education; and
- (3) process requests for review of a competence assessment of a student in vocational education and training to complete a qualification as referred to in section 55.

The Finnish National Agency for Education assigns the following as duties to the working life committees of its choice in addition to or by derogation from the qualification-specific division of duties referred to in subsection 2:

- (1) organising and supervising the test referred to in section 15 of the Act on the Professional Qualifications of Lorry and Bus Drivers, and for issuing the certificate referred to in section 5, subsection 3 of said Act;

- (2) processing requests for review concerning competence assessment of a student in vocational education and training to complete a qualification as referred to in section 55 insofar as they concern the common units or their subjects referred to in section 13, subsection 2; and
- (3) processing requests for review concerning competence assessment of a student in vocational education and training to complete a qualification as referred to in section 55 insofar as they concern qualification units that may, according to the national qualification requirements, form part of more than one qualification, and the student is only completing one or more qualification units.

Further provisions on the duties of the working life committees may be issued by government decree.

The Act on the Professional Qualifications of Lorry and Bus Drivers (273/2007) was repealed by the Act on Transport Services (320/2017). See the Government Decree on the Professional Qualifications of Lorry and Bus Drivers (434/2018) and the Government Decree on Vocational Education and Training (673/2017), section 22.

Section 121

Secretariat of the working life committees

The secretariat of the working life committees is located at the Finnish National Agency for Education. The purpose of the secretariat is to support the working life committee in discharging their duties pursuant to section 120.

Section 122

Criminal liability for acts in office and liability for damages

The provisions on criminal liability for acts in office apply to any personnel of the VET provider, competence assessors and members of a working life committee when performing the duties specified in this Act. Liability for damages is provided in the Tort Liability Act.

Section 123

Publicising qualification completion opportunities and vocational education and training provided

The VET providers shall ensure that information is generally available on qualification completion opportunities and on vocational education and training provided, and on how to apply for the education and training. The provisions of this section do not apply to personnel training.

Further provisions on the matters to be publicised may be issued by government decree.

Section 124

Cooperation obligation for VET providers

VET providers shall engage in cooperation in their respective regions with working life, businesses, other providers of VET, providers of general upper secondary education, universities, universities of applied sciences, providers of basic education, and public bodies and private corporations and foundations engaged in youth work. VET providers shall also engage in cooperation with the working life committees within whose domain the qualifications provided by the VET provider fall.

When providing education and training, VET providers shall engage in cooperation with the parents or other persons who have custody of a student under 18 years of age.

In planning the provision of labour market training, VET providers shall engage in cooperation with the relevant Employment and Economic Development Office and Centre for Economic Development, Transport and the Environment. A VET provider that provides labour market training as specified in its authorisation to provide education shall participate in discussions on the planning of the provision of labour market training if so requested by the Centre for Economic Development, Transport and the Environment.

Section 125

Anticipation of skills needs

VET providers shall seek to anticipate skills needs arising in their respective regions, with a view to the labour needs and demographic trends of in their area of operation.

Section 126

Education evaluation and quality control

VET providers shall evaluate the qualifications, vocational education and training and other activities provided, including their quality and their effectiveness. VET providers are responsible for the quality of the qualifications, vocational education and training and other activities provided and for continuous improvement of quality control. VET providers shall also regularly submit to an external evaluation of their operations and quality control systems and publish the key findings of such an evaluation.

Further provisions on evaluation and how it is to be developed may be issued by government decree.

Provisions on the Finnish Education Evaluation Centre are laid down in the Act on the Finnish Education Evaluation Centre (1295/2013).

Section 127

Funding

The funding to be allocated to the operations referred to in this Act is laid down in the Act on the Financing of Education and Culture.