

## **Annex 1**

### **Explanatory Note - ELT Council Regulations**

#### **Introduction**

The ELT Council regulations, seeks to regulate the ELT sector for the sector's own advancement. It provides for a widening of scope from that of the outgoing LN 60 of 1996. The entity regulating the industry under LN 60 of 1996 is the EFL Monitoring Board. This, will in turn see itself becoming the ELT Council, under the said regulations.

#### **Summary and background**

The legislation aims at providing a structure that seeks to enhance and safeguard the ELT industry in its entirety. Thus it purports to monitor: the English language teaching profession, Schools, English language teachers, Home Tuition Providers, Distance Learning Providers, non-academic services, as well as any ancillary services that make up an ELT stay.

These regulations seek to address issues of major importance in the ELT industry, which LN 60 of 1996 does not delve into.

The drafting of these regulations followed various consultation meetings with direct stakeholders, namely Heads of Schools (HoS), Directors of Studies (DoS), and Malta Tourism Authority. Moreover, the EFL Monitoring Board, which piloted this law, was, during its inception and subsequent development, composed of members from various entities representing different stakeholders. All the input given during the consultation meetings, was carefully considered and evaluated and some of which taken on board.

#### **Overview of the structure of the instrument**

Following the definitions at law, the regulations provide for:

- The establishment and composition of the ELT Council.
- The functions and powers of said Council.
- The role of the ELT Council Officers and the Chief Executive Officer.
- The establishment of the requirement of a licence to operate as a school, Distance Learning Provider or Home Tuition Provider.
- The need for accuracy and veracity of printed, broadcast or electronic depiction.
- Contraventions, offences and compliance.

## Schedule Part A – Academic Staff

This includes:

- Requirements and functions of Director of Studies.
- Requirements and functions of English Language teachers and subsequent renewals.
- Requirements and functions of an Annexe Manager.
- Requirements and functions of an English for Specific Purposes (ESP) permit and subsequent renewals.
- Requirements and functions of English language teaching for Home Tuition Provider and subsequent renewals.
- Requirements and functions of an English Language teacher trainer.
- Requirements and functions of an English language teaching for Distance Learning Provider.
- Requirement of certificate of attendance.

## Schedule Part B – Non-Academic Services

This includes:

- Role of non-academic services and student welfare manager.
- Qualifications, requirements and functions of non-academic services and student welfare manager.

## Schedule Part C – School premises and school annexes and Home Tuition premises

This delves into the minimum standards and requirements needed for premises.

## Schedule Part D – Distance Learning Providers

Includes:

- Minimum standards required for Distance Learning Provider.
- Role of Director of Studies for Distance Learning Provider.

## Schedule 1

- Fees and administration charges.

## **Commentary on parts and Articles**

<b>Article</b>	
1	Title of legislation.
2	Definitions of significant words and phrases in the regulations.
3	The objective of the law is to help the development of the ELT sector, namely

	through the monitoring of the components that make up the industry.
4	Establishes the ELT Council.
5(1)	Goes into the composition of the Council and from which entities are the members to be hailed from.
5(2)	The appointment of the members of the Council is for the duration of 3 years. Each member can then be reappointed.
5(3)	If there is a vacancy in the Council, the minister shall appoint a replacement. In the meantime the Council can continue to carry out its functions.
5(4)	Explains the procedure to be taken for the election of the 2 members in the Council that are to be elected by the schools.
5(5)	The Council is to meet regularly.
5(6)	The Council needs a quorum of half the members plus one.
5(9)	The legal representation of the Council vests in the Chairperson unless the Council decides otherwise.
6(1)	Lists down the functions and powers of the Council, namely: issuance of licences, monitoring and compliance, quality assurance exercises, promoting the proficiency of English, among others.
6(2)	Council has the power to issue/suspend/withdraw licenses as well as propose regulations. This article also gives the right to the Council to enter school/annexe premises or to the place where Home Tuition is being provided.
7	Proposes the appointment of ELT Council officers to carry out administration services to the Council. Moreover it lists down the general duties of such officers namely: the co-ordination and execution of Council work, the maintenance of databases of all licence holders, the maintenance of communication and synergy with third party entities/persons, as well as to address non-academic issues which may crop up.
8	Proposes that a CEO be appointed to head the ELT Council officers.
9(1)	Only persons with a licence from the ELT Council under these regulations can state or indicate in any way, that they hold the necessary licence to operate.
9(2)	Only Distance Learning Providers with a licence from the ELT Council under these regulations can state or indicate in any way, that they hold the necessary licence to operate.
9(3)	Licence to operate is valid for 4 years. After this period, the licence may be renewed. For renewal one must apply by no later than 4 months before expiration. There must be compliance to these regulations and quality assurance measured.
9(4)	Licence may be issued to any person who on application fulfils the necessary requirements.
9(5)	If a licence has been suspended or withdrawn, or whose validity has terminated, the physical certificate licensing such operation must be returned to the Council within 30 days from receipt of notice.
10(1)	Only persons licensed under these regulations can state/indicate that they are in any way licensed to teach English to speakers of other languages, be it if at school, Distance Learning or Home Tuition.
10(2)	ELT Permit or ELT permit for Distance Learning Provider is issued to any person who has the required skills according to these regulations.

10(3)	ELT Permit or ELT permit for Distance Learning is valid for four years. It may be renewed by application. It must be renewed within a period of 4 years from the date of its termination.
10(4)	Provides that a person will not be eligible for the attainment or retention of an ELT permit, ELT permit for home tuition, ELT permit for Distance Learning or ESP permit, if such person is convicted by court for; - a crime liable to imprisonment for more than 1 year; - convicted of having abused students' trust or having used violence in their regard, - or if convicted of any crime which in the opinion of the Council makes the person unfit to teach in school, as a Distance Learning Provider or as a Home Tuition Provider.
10(5)	When a person loses his permit a notice of said loss, together with an order for the person to return the permit is communicated to the person. The exception to this is when such person is interdicted.
10(6)	The permit may be restored if the person meets the requirements prescribed to him by the Council.
10(7)	An ELT Permit for Home Tuition is given only to persons who on application fulfil the skills laid down in these regulations or any laws that will follow it.
10(8)	ELT permit for Home Tuition Provider will be issued for 4 years and may be renewed upon application. The renewal must be made within 4 years from the date of expiration.
10(9)	Only persons duly permitted under these regulations may hold themselves to be licensed to teach English for Specific Purposes.
10(10)	A person with an English for specific purpose (ESP) licence is not permitted to act as an English language teacher, other than for the specific purpose he is licensed for.
10(11)	The English for Specific Purposes permit is issued for a period of 4 years and may be renewed upon application. The renewal must be made within 4 years from the date of expiration.
10(12)	The ELT permit, ELT permit for Home Tuition, ELT permit for Distance Learning and ESP permit which has been suspended/ withdrawn must be returned to the Council within 30 days from receipt of notice.
11	A school that has a licence to operate before the coming into force of these regulations shall be considered a licence holder with the same rights and obligations as if the licence was issued in accordance with these regulations.
12	Schools and Home Tuition Providers as well as Distance Learning Providers will comply with the provisions established in the schedule of these regulations.
13	Provides that no school or Home Tuition Provider will provide tuition as part of its touristic package by any person unless a contract is drawn up between the school/ Home Tuition Provider and the said person. The contract will establish that such person must comply with the schedule and take all measures necessary for the safeguards for the welfare of students under the age of 18. Such measures must be at least equivalent to those which a school or Home Tuition Provider himself would take.
14(1)	No person, school, Home Tuition Provider can advertise or market itself unless it is duly licensed.

14(2)	Advertising must be a faithful representation of the reality of services and amenities available.
15	Any Head of School (HoS), Home Tuition Provider, or Distance Learning Provider that fails to comply with these regulations may be liable to a fine, upon conviction. The fine may go up to a maximum of Eur1,164.69 and/or 3 months imprisonment. If the offence is one that continues, a fine of Eur 11.65 per day may be levied. The latter may go up to a maximum of Eur 4,658.75
16	And order/practice/decision/document signed by the Chairperson of the Council will be accepted as evidence without the need for further proof.
17	Failure to comply will make a person liable to a fine not exceeding Eur1165. Prior to the imposition of said fine the Council shall allow for a period of time for the person to have the opportunity to comply.
<b>Schedule Part A</b>	<b>Academic Staff</b>
1.1	A Director of Studies (DoS) is to be appointed by the Head of School (HoS) to oversee academics. The HoS can act as a DoS himself, provided the qualifications listed in these regulations as requirements are met.
1.2	The DoS must be exclusive, i.e. employed only with 1 school.
1.3	Lists down the qualifications necessary for approval as DoS.
1.4	Lists the main responsibilities of the DoS and emphasises the importance that the DoS is on site at all times during school operation. In the case of a Distance Learning Provider, contact details must be given to students so that they may address their queries and can get feedback within 24 hours of their question.
1.5	The DoS must appoint a delegate at each School Annexe which is approved by the Council based on the qualifications and criteria set out in the regulations.
2.1	Each person employed by the school as an English language teacher must have an ELT permit.
2.2	Lists down the criteria that needs to be fulfilled for one to be eligible for an ELT permit.
2.3	Lists down the qualifications required for one to be eligible as an Annexe manager.
2.4	DoS may apply to the Council to engage the services of a person to give lessons in English for Specific Purposes. The article proceeds in listing the requirements for an ESP permit. The DoS is then responsible to make sure such person only teaches that particular ESP.
2.5	For an ELT permit to be renewed, one must follow CPD. The number of hours required are expounded on in this article.
2.6	For an ESP permit to be renewed, one must follow CPD. The number of hours required are expounded on in this article.
3.1	Lists down the minimum requirements for a permit for Home Tuition Provider.
3.2	For a permit for Home Tuition Provider to be renewed, one must follow CPD. The number of hours required are expounded on in this article.
3.3	Lists down the responsibilities of the Home Tuition Provider.
3.4	The Home Tuition Provider can only provide tuition to a maximum of 2 persons simultaneously. The Home Tuition Provider can not accommodate in residence

	more than 2 persons and simultaneously provide tuition.
4.1	Lists down the minimum requirements for an English language teacher trainer .
4.2	No person shall act as an English language teacher trainer if s/he has no permit from the Council as a teacher trainer.
4.3	When it comes to courses leading to the ELT Permit, a teacher trainer may only teach courses that have been recognised and registered by the Council.
5	Lists down the minimum requirements for English Language teacher providing Distance Learning.
6.1	Schools are required to issue certificates of attendance. The article sets out the components that need to be included in the certificate.
6.2	Home Tuition Providers are required to issue certificates of attendance. The article sets out the components that need to be included in the certificate.
6.3	Distance Learning Providers are required to issue certificates of attendance. The article sets out the components that need to be included in the certificate.
6.4	Schools, Home Tuition Providers, and Distance Learning Providers will issue a course transcript if requested by students.
<b>Part B</b>	<b>Non-academic services</b>
1.1	HoS is to appoint a person with the overall responsibility of the non-academic services. If eligible in accordance with the criteria and requirements of these regulation, a person who is HoS or DoS can also be appointed non-academic services manager.
1.2	Non-academic services manager must be employed exclusively with one school.
1.3	If the non-academic services are subcontracted, the non-academic services manager will ensure that the services offered are of the necessary standards and in compliance.
1.4	Lists down the qualifications required for one to be approved as non academic service manager.
2	Schools and Home Tuition Provider are responsible for the non academic services offered, accept when a student over the years of 18 makes arrangements for non-academic services directly himself.
3	Non academic services manager will be responsible for observance of all employment regulations.
4	A person will not be eligible to be appointed if she has been convicted of: <ul style="list-style-type: none"> <li>- A crime liable to imprisonment for more than 1 year,</li> <li>- Having abused students' trust or used violence in their regard,</li> <li>- Of any crime which in the opinion of the Council makes you unfit to provide such service.</li> </ul>
5	HoS will notify the school if circumstances in article 4 Part B arises
<b>Part C</b>	<b>School Premises/ Home Tuition premises/ Annexes</b>
1	The person applying for a school operation must have control of premises.
2	Lists down the basic needs that a school premises must have to serve the students and management.
3	Lists down the basic needs that a school annexe must have to serve the

	students and management.
4	Lists down the criteria that a school and annexe premises must fulfil.
5	Lists down the requirements of how a classroom should be and what it should contain.
6	Premises should have an indoor common area and lists what it should contain.
7	Premises should have an outdoor common area and lists what it should contain.
8	Specifies the requirement for toilets and sanitary facilities and the conditions that these should fulfil.
9	Goes into what facilities need to be found on the premises of the Home Tuition Provider.
10	Lists down what the Home Tuition Provider residence must include and what conditions must be fulfilled.
<b>Part D</b>	<b>Distance Learning Provider</b>
1	No person shall hold himself to be a Distance Learning Provider if s/he is not licensed to.
2	Lists down what a Distance Learning Provider must provide.
3	DoS of a Distance Learning Provider is responsible for all that a DoS in a school is responsible for, in accordance with these regulations as well as for some extra duties relevant only to Distance Learning and which are expounded on in this article

### **Concluding Section**

The EFL Monitoring Board is aiming for November 2014 as the date of entry into force of this legislation. Following this, there will be a two month stand-still period as listed in Article 3(2)(b) of the Small Business Act (Act XI of 2011). Thus, making the 1<sup>st</sup> of February of 2015 the day of implementation.

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**This is not a legally binding document and has no legal standing.**