

**ENGLISH LANGUAGE TEACHING COUNCIL
REGULATIONS**

LEGAL NOTICE XX of 2014,

In exercise of the powers conferred by Article 135 (v) of the Education Act, hereinafter referred to as 'the Act', the Minister for Education and Employment has made the following Regulations:-

1. The title of these regulations is the English Language Teaching Council
Citation.

Regulations.

2. In these regulations, save for the definitions set out hereunder, words and expressions will have the same meaning assigned to them in the Act: Interpretation.
"Act" means the Education Act, Cap. 327

"all-inclusive package" means the pre-arranged tuition at a School or as Home Tuition combined with at least another non-academic service mentioned hereunder, when offered by a School or by a Home Tuition Provider, whether at an inclusive price or separately and, when the package covers a period exceeding twenty-four hours, it also includes -

- (a) licensed accommodation or lodging of any kind;
- (b) other services not ancillary to accommodation and equivalent to at least one-fifth of the tuition time included in the package;

"Association" means an association of English language teaching schools which in the opinion of the Minister -

- (a) represents such number of schools as would in the immediately preceding year to appointment of the Council members, have serviced the largest number of students; and
- (b) contributes to the establishment or has established for its member schools guidelines aimed at ensuring academic and non-academic quality standards which are at least in conformity with the requirements of these regulations;

"Council" means the "ELT Council"
established by regulation 4 of these regulations;

“ELT” means English Language Teaching as a foreign language;

“ELT Council Officer” means such officer as is authorised by the Council to perform duties necessary for the execution of the functions of the Council and those other functions which are related to the implementation of these regulations and of the Act and also to perform such work as may be necessary to assure and inspect the quality and standards in Schools, by Home Tuition Providers and Distance Learning Providers, and to perform such duties as may be assigned to them by the Chairperson of the Council;

“ESP” means English for Specific Purposes;

“Distance Learning” means the provision from Malta of English language teaching to speakers of other languages that do not physically attend a place of tuition in Malta or elsewhere and includes English language tuition and programmes conducted by electronic means, established by regulation 9 of these regulations.

“Distance Learning Provider” means any person that is licenced with the Council to provide English Language Distance Learning

“Distance Learning Teacher” or “Distance Learning Practitioner” means any person trained and qualified in English Language teaching to speakers of other languages and in computer skills in possession of an ELT Permit for Distance Learning.

“ELT Permit”, “ELT Permit for Home Tuition”, “ELT Permit for Distance Learning”, and “ESP Permit” mean a licence issued under regulation 10 of these regulations;

“English Language Teacher” or “ELT Practitioner” means any person trained and qualified in English language teaching (ELT) to speakers of other languages and in possession of an ELT Permit;

Home Tuition” means the provision of English language teaching by an English Language Teacher, not in the name or employment of a School, principally on the place of residence of the same English Language Teacher or of the student, speaker of other languages, as approved, to not more than two such students hosted and taught simultaneously and “Home Tuition Provider” or “Home Tuition Tutor” and similar words will be construed accordingly;

“Minister” means the Minister responsible for education;

"non-academic services" means any information, guidance, knowledge, non-formal and informal education howsoever imparted or transmitted or any other service generally of a tourism nature including, without prejudice to generality, cultural, leisure, entertainment, sports activities and accommodation, not being formal tuition, provided to students speakers of other languages attending a School or Home Tuition;

"School" means a school in terms of the Act, whose principal non-exclusive activity is formal, non-formal and informal English language teaching with formal teaching of students conducted on a continuous basis throughout the year, provided that a minimum continuous period of three months will suffice for a summer seasonal school, including teaching English for the purposes of other disciplines when packaged with the principal activity, to speakers of other languages, established by regulation 9 of these regulations

“School Annexe” means any building, place or space not contiguous to the School Premises whether enclosed or open howsoever described whether in whole or in part, temporarily or permanently ordained by the School towards English language teaching under the responsibility of the Head of School and subject to the approval for the purpose by the Council prior to use;

“School Premises” means any building or group of contiguous buildings howsoever described whether inwhole or in part ordinarily ordained by the School as its permanent principal

premises towards English language teaching and approved for the purpose by the Council;

3. The object of these regulations is to provide for a regulatory framework for the advancement and monitoring of the English language teaching profession, Schools, English language teachers, Home Tuition Providers, Distance Learning Providers, non-academic services and ancillary services that together constitute the stay of, or the provision to, English language students, speakers of other languages. Scope.

Provided that, the provisions of the Further and Higher Education (Licensing, Accreditation and Quality Assurance) Regulations, shall not continue to apply to Schools for the teaching of English to speakers of other languages with effect from the coming into force of these regulations. S.L 327.433

4. There will be established a Council, to be called the ELT Council having such functions and powers as are set out in regulation 6 of these regulations which shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of the Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions;

5. (1) The Council will be composed of nine members appointed as follows: Constitution
 (a) a Chairperson appointed by the Minister; of the
 (b) a member appointed by the Minister from among officers with competence of teaching English from the National Commission for Further and Higher Council
 Education;

- (c) a member appointed by the Minister responsible for tourism,
- (d) a member appointed by the Minister responsible for tourism from among persons of the Malta Tourism Authority with industry experience;
- (e) a member appointed by the Rector of the University of Malta with competence in teaching English;
- (f) two members appointed by the Association;
- (g) two members elected by the licensed Schools provided that at least two of the members aforesaid in sub-articles (f) and (g) of article (1) of regulation 5 of these regulations are in the full-time employment of licensed Schools that operate all year round with at least one being a Director of Studies or someone from an Academic Management Position and at least one other person holding a non-academic management position at National Qualifications Framework level 6 being a Head of School or School Director.

Provided that should a Director of Studies or an academic team member not be available, a Head of School or a non academic manager maybe appointed instead.

(2) The Council members will be appointed for a period not exceeding three years and each member on expiration of his term of office will be eligible for reappointment.

(3) If any vacancy in the Board occurs for any cause, the Minister shall, as soon as practicable, appoint another person to fill the vacancy.

Provided that the Board and the members thereof may act notwithstanding any such vacancy.

(4) Prior to the first meeting of the Council, the Chairperson and the four other members appointed in terms of the aforesaid sub-articles (b), (c), (d) and (e) of article (1) of regulation 5 of these regulations will convene a meeting of licensed Schools in order to elect the two members of the Council in terms of sub-article (g) of article (1) of regulation 5 of these regulations. This meeting will be convened within one month of the appointment of the Chairperson and the other four members. Each

licensed School present will have one vote. In the case of a tie of votes, a re-vote will be taken.

(5) The meetings of the Council will be summoned by the Chairperson and the Council will meet as often as may be necessary but regularly once every month.

(6) The number of members present necessary to constitute a quorum at the meetings of the Council will be half the members plus one, but subject to the presence of a quorum, the Council may act notwithstanding any vacancy among its members.

(7) In the absence of consensus, decisions of the Council will be taken by a majority of votes of the members present. The Chairperson of the Council will have both an original vote and, in the case of a tie, a casting vote.

(8) Without prejudice to the aforesaid and to what may be prescribed, the Council may make its own rules and otherwise regulate its own procedures.

(9) The Council will be legally represented by the Chairperson or, by resolution of the Council, by any other member or by the Chief Executive Officer or by an official as the Council may from time to time decide.

6. (1) The Council will have the following functions:

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| <p>(a) to issue licences in terms of these Regulations , to suspend and withdraw licences and set and enforce conditions thereto;</p> <p>(b) to monitor compliance by Schools, Annexes, Home Tuition Providers and Distance Learning Providers with the provisions of the Act, the licence Conditions and these regulations as may be determined and published by the Council on the Council's website from time to time and to take all such measures the Council may consider appropriate against any School, ELT Practitioner Home Tuition Provider, and/or Distance Learning Provider in breach thereof;</p> <p>(c) to carry out quality assurance procedures to establish and maintain regulations and mechanisms for quality assurance measures on all aspects of ELT stays or the Distance Learning Programme and to</p> | <p>Functions
and powers
of the
Council</p> |
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ensure adherence thereto;

- (d) to develop and maintain curricula, assessments and examinations for the professional training and qualification of persons eligible to become English language teachers and non-academic support staff, and to monitor compliance thereto;
- (e) to develop and maintain a sectoral framework for ELT qualifications referenced to the National Qualifications Framework ; S.L.343.26
- (f) to establish, develop, maintain and own brands, marks of distinction or trust and signs of quality assurance and to promote and to regulate their use;
- (g) to advise the Minister on the state, operation, needs and prospects of ELT in general and to compile and submit by no later than six weeks after each year in office an annual report thereon and on the policies, functions and plans of the Council;
- (h) to prescribe and charge the fees payable to the Council for any service provided by it, or in respect of any matter for which it is considered that a fee should be payable as provided for in schedule 1;
- (i) to determine and levy fine or penalties in cases of non-compliance;
- (i) to advise on and promote the proficiency of English and the benefits of ELT nation-wide; and
- (j) to gather any data as necessary for the enhancement of the sector.
- (k) to perform such other functions as the Minister may from time to time prescribe.

(2) Without prejudice to the rights of the Minister in terms of the Act, the Council will have such powers and authorities given to it by the Minister as may be required for the proper performance by it of any and all of its functions as set out in article (1) of regulation 6 of these regulations.

Without prejudice to the generality of the foregoing the powers of the Council will include the power to issue, suspend and withdraw licences, propose regulations, establish and maintain quality assurance standards and, as duly authorised in writing by the Chairperson, the power to enter into any School Premises, School Annexe and residence or place for the provision of Home Tuition, to conduct interviews with any person involved in the management of a School, Home Tuition, or the

Distance Learning, for the purpose of monitoring and enforcing compliance to retrieve information and documents and to inspect and report on the teaching process, the physical or technological environment, the observance of the conditions, standards, policies, regulation and standards established and made by virtue of the Act, the license conditions, and these regulations. and to levy fines for non-compliance.

7. (1) There will be ELT Council Officers to provide general administrative services to the Council. . ELT Council Officers

(2) Without prejudice to the generality of the duties of the ELT Council Officers, they will provide the following functions:

- (a) to co-ordinate and execute the work of the Council and keep record of all meetings;
- (b) to maintain a database of all licence holders and relations therewith;
- (c) to maintain relations with similar and other foreign bodies or persons;
- (d) to address issues on the provision of ELT and ancillary non-academic services of the all-inclusive package brought to its attention;
- (e) to do all that the Council may from time to time deliberate and delegate.

8. (1) The Council shall, with the approval of the Minister, appoint a Chief Executive Officer who will be chosen after an open call for applications and who shall be the head of the ELT Council Officers, responsible for the day-to-day management of the Council, provide appropriate support for its meetings the Council, provide appropriate support for its meetings and implement its decisions. Chief Executive Officer

(2) The Chief Executive Officer shall report to the Chairperson and to the Council and shall attend the meetings of the Council whenever he is invited to do so. The Chief Executive Officer shall not have the right to vote.

9.(1) Except for Schools duly licensed under these regulations and which comply with the provisions hereof, no person may in any way indicate or hold himself as being approved or licensed by the Council to establish, Licence to establish, keep and

keep or operate a School, or to use words having a similar effect in any statement or document whether in print, electronic or other format;

(2) Only Distance Learning Providers duly licensed under these regulations and which comply with the provisions hereof and no other distance learning provider may indicate or hold himself as being approved or licensed with the Council to provide Distance Learning, promote or in any way use the brands, marks or signs provided for in sub-article (1) (f) of regulation 6 of these regulations.

operate a
School
or provide
Distance
Learning

(3) A licence will be valid for a period of not more than four years and may be renewed by the Council on application, by no later than four months prior to the termination of the validity period of the licence, subject to these regulations and to satisfying the quality assurance measures as determined from time to time;

(4) A licence may be issued, transferred to any person who, on application, fulfils the licencing requirements, or renewed subject to such requirements, conditions, limitations and exclusions as the Council may from time to time determine in accordance with these regulations, and the Schedule;

(5) A licence which has been suspended or withdrawn or whose validity has terminated must will be returned to the Council within 30 days from receipt of notice.

10. (1) Except for persons duly permitted under these regulations and who comply with the provisions hereof, no person may in anyway indicate or hold himself as being approved or permitted by the Council to teach, or teaches, English to speakers of other languages at a School or by Distance Learning, or to establish, and operate Home Tuition or to use words having a similar effect in any statement or document whether in print, electronic or other format.

Permit to
teach or to
establish,
operate
Home Tuition
or to provide
Distance
Learning

(2) An ELT Permit or ELT Permit for Distance Learning may be issued to any person who, on application and in the opinion of the Council, has the required skills according to these regulations to teach the English language to students who are speakers of other languages;

(3) An ELT Permit ELT Permit for Distance Learning will be issued and valid for a period of not more than four years and may be renewed by the Council on

application, within a period of four years from the date of its termination, subject to these regulations, and the Schedule as the Council may from time to time determine;

(4) A person will not be qualified to obtain and will not retain an ELT Permit, ELT Permit for Home Tuition, ELT Permit for Distance Learning or ESP Permit if such person has been convicted by any court of criminal jurisdiction:

(a) for any crime liable to imprisonment for a term exceeding one year; or

(b) of having abused the students' trust or having used violence in their regard; or

(c) of any crime because of which such person may not, in the Council's opinion, be fit to teach in a School or by Distance Learning or to provide Home Tuition.

(5) Where a person loses his ELT Permit following a conviction as is referred to in the aforesaid sub-article (4) of regulation 10 of these regulations, notice of such loss shall be given by the Council in the Gazette and such notice and order for the immediate return of his ELT Permit will be communicated by the Council to the person disqualified, unless such person has been interdicted by the judgment itself.

(6) The Council may, upon application to this effect, restore the ELT Permit to a person who is disqualified to hold or who forfeits such ELT Permit in terms of the aforesaid sub-articles (4) and (5) of regulation 10 of these regulations if the applicant meets such requirements that the Council may prescribe.

(7) An ELT Permit for Home Tuition may only be issued to an English Language Teacher who, on application and in the opinion of the Council, has the required competencies and skills to satisfy the conditions of these regulations, the Schedule, and the requirements of Subsidiary Legislation 409.10;

S.L.409.10

(8) An ELT Permit for Home Tuition will be issued and valid for a period of not more than four years and may be renewed by the Council on application, within a period of four years from the date of its termination, subject to these regulations, and the Schedule, as the Council may from time to time determine.

(9) Except for persons duly permitted under these regulations and who comply with the provisions hereof, no person may in any way indicate or

hold himself as being approved or permitted by the Council to teach, or teaches, English for the specific purpose (ESP) of other disciplines to speakers of other languages, or to use words having a similar effect in any statement or document whether in print, electronic or other format.

(10) The holder of an ESP Permit will not be permitted to act as an English Language Teacher other than for the specific purpose applied for.

(11) An ESP Permit will be issued for a period and validity of not more than four years subject to the provisions *mutatis mutandi* of this regulation 10 of these regulations and may be renewed by the Council on application, within a period of four years from the date of its termination, subject to these regulations, and the Schedule as the Council may from time to time determine.

(12) An ELT Permit, ELT Permit for Home Tuition, ELT Permit for Distance and ESP Permit which has been suspended or withdrawn must be returned to the Council within 30 days from receipt of notice.

11. Any person or School that on the coming into force of these regulations is in possession of an ELT Permit or licence obtained under regulation S.L 327.65 before the entry into force of these regulations will be deemed to be a ELT Permit or licence holder with the same rights and obligations in as much as such ELT Permit or licence had been issued in accordance with the provisions and conditions of these regulations and will conform to these regulations as the Council will from time to time prescribe. Saving

12. All Schools, Home Tuition Providers and Distance Learning Providers will comply with the provisions set out in the Schedule to these regulations. Compliance with the Schedule

13. No School or Home Tuition Provider will provide tuition as part of a touristic package offered, organised promoted by any person unless such School or Home Tuition Provider executes a written contract with such person. Such contract will provide for such person to comply with the relevant parts of the Schedule and to take such measures and safeguards for the protection and general welfare of students Touristic Packages or otherwise

under the age of eighteen years, which measures and safeguards will at least be equivalent to those which the School, or Home Tuition Provider himself would take in compliance with these regulations, and Schedules had he been providing an all-inclusive package.

14. (1) No person, School, Home Tuition Provider , will carry or permit to be carried any written, verbal or electronic description and/or graphical depiction, including photographic or other means of representation, to promote, publicise, market or in any manner describe tuition programmes, courses and non-academic services and/or facilities of a School, or Home Tuition unless that School, or Home Tuition Provider or Distance Learning Provider is duly licensed.

Printed,
broadcast,
or electronic
depiction

(2) A School, Home Tuition Provider or Distance Learning Provider will not carry or permit to be carried written, verbal or electronic description and/or graphical depiction, including photographic or other means of representation, to promote, publicise, market or in any manner describe tuition programmes, courses and where applicable, non-academic services and/or facilities, including teaching aids, learning materials, classrooms, common spaces, teaching areas, accommodation, equipment, information technology systems, audio-visual and audio-lingual facilities of the School, Home Tuition Provider or Distance Learning Provider unless in a faithful and accurate representation of the School, Home Tuition or Distance Learning or its tuition services and facilities as actually provided by such School, Home Tuition Provider or Distance Learning Provider and the said tuition services or facilities conform to the real tuition programmes or state of the School Premises, School Annexe, classrooms and common spaces and, for Home Tuition, of the study area or room, student bedroom and residence being described, depicted or represented.

15. Any head of school, Home Tuition Provider or Distance Learning Provider that contravenes, or fails to comply with any provisions of these regulations will be guilty of an offence and will, on conviction, be liable to a fine (multa)

Offences and
Compliance

not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69), or to three months imprisonment or to both such fine and imprisonment, and in the case of a continuing offence to a fine (multa) of eleven euro and sixty-five cents (€11.65) for each day during which the offence continues, subject to a maximum of four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75).

16. In any proceeding or prosecution under these Regulations a copy of any order, notice, decision or other document purporting to have been made under these Regulations and purporting to have been signed by the Chairperson of the Council, will be accepted as evidence of the order, notice, decision or other document and of the facts appearing therein, without further proof.

17. Any person who fails to comply with any of the provisions of these regulations shall be liable to an administrative fine not exceeding one thousand one hundred and sixty five euro (€1165.00). The Council shall be responsible for the imposition of such fines and for their enforcement upon any person contravening these regulations, taking into account the gravity of the non-compliance:

Provided that prior to imposing a fine as provided in this regulation, the Council shall allow for a due period of time the person to comply with these Regulations.

SCHEDULE

PART A ACADEMIC STAFF

1. Director of Studies

- 1.1 The head of school or the Distance Learning Provider as the case may be will appoint a Director of Studies to have the overall responsibility for all academic matters. Save for the provisions of paragraph 1.3 Part A of this Schedule hereunder, nothing mentioned in this provision will prohibit the head of school from acting as the Director of Studies.
- 1.2 A person appointed as Director of Studies must be so appointed on an exclusive basis, meet with the approval of the Council, and only act in such capacity for one School at a time.
- 1.3 The Director of Studies will have any one of the qualifications (a), (b) or (c) set out hereunder:
 - (a) an international diploma at post graduate level (National Qualifications Framework level 7) in English language teaching to speakers of other languages or a comparable qualification in English language/ TESOL of a recognised university or institution plus a minimum of 1,000 ELT hours spread over no less than 12 cumulative months; or
 - (b) a first degree in English or in English as the major subject (National Qualifications Framework level 6) and an international certificate at National Qualifications Framework level 5 in English language teaching to speakers of other languages or a comparable qualification of a recognised university or institution plus a minimum of 1,500 ELT hours spread over no less than 12 cumulative months; or
 - (c) a post-graduate degree (National Qualifications Framework level 7) in Education/ Applied Linguistics / Linguistics with specialisation in teaching a language to speakers of other languages and an international certificate at National Qualifications Framework level 5 in English language teaching to speakers of other languages or a comparable qualification of a recognised university or institution plus a minimum of 2,000 hours of ELT spread over no less than 12 cumulative months;
 - (d) a valid ELT Permit;
 - (e) a police certificate of good conduct issued within the last month prior to application and again on demand at any time throughout the tenure of the post of Director of Studies;
 - (f) A Director of Studies appointed by a Distance Learning Provider must possess all the qualifications of this sub-article 1.3 of Part B of this Schedule, as well as certification of

successful completion of a training programme in the use of computer technology demonstrating knowledge in the workings of the system approved by the Council.

- 1.4 The Director of Studies will be responsible for the day to day management and administration of all formal academic matters and for overseeing all the School's non-formal learning processes of the student. It is the duty of the Director of Studies to be present on the School Premises at all times during the running of formal tuition and to oversee the learning aspects of the non-formal processes, provided that in the case of a Distance Learning Provider the Director of Studies must provide each student with a contact and address any queries in a timely manner deemed to be not in excess of twenty-four hours.

Without prejudice to the generality of the foregoing, the duties and responsibilities of the Director of Studies will include:

- (a) satisfying at all times the academic criteria and standards;
- (b) identifying the English language training needs of the students, designing formal tuition course syllabi, selecting course materials and implementation;
- (c) setting and monitoring the School's or Distance Learning Provider's formal academic plan including standards and performance levels, all placement and final assessments and certification;
- (d) recruitment, guidance, in-service training, regular continual professional development and performance assessment of ELT Practitioners or Distance Learning Practitioners ;
- (e) attending to formal academic issues, academic progress of students and English language teachers and resolving academic issues and complaints;
- (f) maintenance of proper academic records including formal tuition course syllabi, ELT Practitioner register, student attendance records;
- (g) setting and overseeing the non-formal learning objectives, processes, standards and outcomes of the School;
- (h) liaison between the School or Distance Learning Provider and the Council on all formal academic matters and in the case of a School, all non-formal academic matters;
- (i) complying with all reporting requirements on academic services which may lawfully be requested from time to time by the Council in an accurate and timely manner; and
- (j) complying with all applicable laws, and regulations.

1.5 The Director of Studies of a School will appoint a delegate at every School Annexe approved by the Council to execute on his behalf the duties and responsibilities within the limits of any given authority. Such delegate must possess the qualifications set out in sub-article 2.2 (b), (c)(ii), (d), (e), of Part A of this Schedule hereunder and:

(a) have completed a minimum of 1000 hours of ELT in a School spread over no less than 12 cumulative months, certified by the Director of Studies of that School to the satisfaction of the Council;

2. English Language Teachers

2.1 No School shall employ or otherwise engage persons and no persons will practice as English language teachers unless they possess the qualifications set out hereunder in sub-article 2.2 of Part A of this Schedule.

2.2 In order to qualify for an ELT Permit, a person must:

(a) be at least eighteen years of age;

(b) hold a matriculation certificate or comparable at National Qualifications Framework level 4 under the age of 21 ;

(c) (i) possess a Test for English Language Teachers (TELT) certificate issued by the Council or comparable qualification in English not inferior to Grade C at Advanced level at National Qualifications Framework level 4, and a certificate in the methodology of teaching English language to speakers of other languages approved by the Council or comparable, or higher qualifications in English language awareness, proficiency and methodology from a recognised institution approved by the Council; or

(ii) possess an international certificate at National Qualifications Framework level 5 in English language teaching to speakers of other languages or a higher qualification from a recognised institution as approved by the Council;

(d) possess a SEPTT certificate at Band 3 issued by the Council or any other speaking proficiency test certificate at a level deemed sufficient by the Council;

(e) possess a police certificate of good conduct issued within the last month prior to application and maintain such certification to be provided on demand throughout the tenure of the post of English language teacher;

- (2.3) No School Annexe can operate without an Annexe Manager to manage the academic programme and provide support to all teachers.
- (a) An Annexe Manager shall hold the the following minimum qualifications:
 - (i) a valid ELT permit;
 - (ii) a level 5 qualification in ELT or any comparable qualification as approved by the Malta Qualifications Council;
 - (iii) at least 1,000 ELT hours of experience spread over no less than 12 cumulative months.

2.4 The Director of Studies, may at his own discretion on behalf of a School or the Distance Learning Provider apply to the Council to engage the services of persons to give lessons in English for specific purposes. Any person to be so engaged must:

- (a) possess at least a first degree taught in English in the specific purpose applied for, or five years experience in a professional management position in the specific purpose where English is the medium of communication;
- (b) possess a certificate in the methodology of teaching English language to speakers of other languages approved by the Council or comparable qualification;
- (c) hold a valid ESP Permit restricted to teaching English for the stated specific purpose;
- (d) possess a police certificate of good conduct issued within the last month prior to application and maintain such certification to be provided on demand throughout the tenure of the post to teach English for specific purposes.

Notwithstanding the foregoing it remains the responsibility of the Director of Studies to ensure that any person so engaged guarantees fluency in English in the specific purpose and restricts his lessons solely to the permitted specific purpose. Such persons will complement the regular teaching personnel only in so far as lessons in the specific purpose are concerned.

2.5 An ELT Permit may be renewed on application subject to regulation 10 (3) of these regulations, and to following annual programmes of continual professional development (CPD) and of updating. Such continual professional development hours amounting to the lesser of at least one hour for every four weeks' or for every forty hours' teaching, or as determined by the Council from time to time;

2.6 An ESP Permit may be renewed on application subject to regulation 10 (11) of these regulations, and to following annual programmes of continual professional development and of up-dating in the specific purpose and in the methodology of teaching English language to speakers of other languages. Such continual professional development hours amounting to the lesser of at least one hour for every four weeks' or for every forty hours' teaching, or as determined by the Council from time to time.

3 English Language Teachers Providing Home Tuition

3.1 No person will in any way indicate or hold himself as a Home Tuition Provider unless that person possesses the qualifications set out in the aforesaid sub-articles 2.2, of Part A of this Schedule and

(a) has at his disposal and is responsible for the management of, or is in control of, a residence in which he regularly resides which has been inspected and approved by the Council as fit and proper to receive, accommodate and teach English to speakers of other languages, is in possession of a licence for the purpose of receiving student guests in the home by the Malta Tourism Authority and provides the student with the requested meal plan;

(c) has completed a minimum of 750 hours of ELT to adults in a School spread over no less than 12 cumulative months, certified by the Director of Studies of that School to the satisfaction of the Council;

(d) possesses the competences and skills to carry out an English language training needs analysis, design and implement appropriate syllabi and select materials there for, all certified by the Director of Studies of the School in the aforesaid sub-article 3.1 (c) of Part A of this Schedule to the satisfaction of the Council;

(e) provides a quiet area or room equipped with learning facilities in the residence that is conducive to study and concentration where formal lessons can be held and where the learner can freely undertake independent study at any and all times;

3.2 An ELT Permit for Home Tuition may be renewed on application subject to regulation 10 (8) of these regulations and to following annual programmes of continual professional development and of updating.; Such continual professional development hours amounting to the lesser of at least one hour for every four weeks' or for every forty hours' teaching, or as determined by the Council from time to time

3.3 The Home Tuition Provider will be responsible for the day-to-day running of the formal and non-formal tuition programmes and management of the residence as well as for the comfort and general welfare of the student and, without prejudice to generality, the duties and responsibilities will include:

- (a) satisfying at all times the academic criteria;
- (b) designing formal tuition course syllabi, non-formal learning processes and selecting course and free time materials and implementation;
- (c) carrying out needs analyses, setting and overseeing learning objectives, maintaining academic standards and progress and determining the outcomes of each course;
- (d) attending to formal, non-formal and informal academic issues, the academic progress of the student and resolving issues and complaints;
- (e) maintaining proper academic records including a course register, formal tuition course syllabi, non-formal learning processes, student name, attendance, performance and final outcome records of formal tuition sessions;
- (f) providing a quiet area or room equipped with learning facilities that is conducive to study to the satisfaction of the student where formal lessons are held;
- (g) reporting to the Council on all formal and non-formal academic matters;
- (h) complying with all reporting requirements which may lawfully be requested from time to time by the Council in an accurate and timely manner; and
- (i) complying with all applicable laws, and regulations.

3.4 No Home Tuition Provider will provide tuition to more than two persons simultaneously or accept and accommodate in his residence at any one time more than two persons and simultaneously provide tuition;

4 English language teacher trainers

4.1 No person will in any way indicate or hold himself as an English language teacher trainer unless he possesses the following qualifications:

- (a) a valid ELT Permit;

- (b) an international diploma at post-graduate level (National Qualifications Framework level 7) in English language teaching to speakers of other languages or a comparable qualification in English language/ TESOL /English linguistics of a recognised university or institution plus a minimum of 1,500 ELT hours spread over no less than 12 cumulative months; or
- (c) a first degree in English or in English as a major subject (National Qualifications Framework level 6) and an international certificate at National Qualifications Framework level 5 in English language teaching to speakers of other languages, or a comparable qualification of a recognised university or institution plus a minimum of 2,000 ELT hours spread over no less than 12 cumulative months;
- (d) a certificate of participation, within the last three years from the scheduled date of commencement of the training course, at periodical continual professional development programmes conducted by international ELT authorities as approved by the Council.

4.2 No English language teacher may design, conduct, or teach on, a teacher training course ordained for the issue of an ELT Permit unless he satisfies the requirements of the aforesaid sub-article 4.1 of Part A of this Schedule and, upon application, is granted permission by the Council.

4.3 No English language teacher in possession of permission to teach on a teacher training course will teach on any teacher training course ordained for the issue of an ELT Permit that has not been approved by and registered with the Council.

5 English Language Teachers Providing Distance Learning

5.1 No person will in any way indicate or hold himself as a Distance Learning Teacher or Practitioner from Malta unless that person possesses the qualifications set out in the aforesaid sub-articles 2.2 (b), (c), (d), (e), of Part A of this Schedule and

- (a) is at least twenty-one years of age;
- (b) has completed a minimum of 300 hours of ELT to adults in a School, certified by the Director of Studies of that School to the satisfaction of the Council;
- (c) Possesses certification of successful completion of a training programme in the use of computer technology demonstrating knowledge in the workings of the system approved by the Council

6. Certificates

- 6.1 Schools will, over the signature of the Director of Studies, issue a certificate of attendance to every student, setting out the title and level of the course followed together with the dates of attendance and number of hours actually attended.
- 6.2 A Home Tuition Provider will, over his signature, issue a certificate of attendance at Home Tuition to every student, setting out the title and level of the course followed together with the dates of attendance and number of hours actually attended.
- 6.3 A Distance Learning Provider will, over the signature of the Director of Studies, issue a certificate of participation at a named Distance Learning programme setting out the level of, and the involvement in, the course followed.
- 6.4 A School, Home Tuition Provider or Distance Learning Provider will, upon the specific request of a student, issue a course transcript outlining the areas or topics covered during the course, and the proficiency attained by the student.

PART B - NON-ACADEMIC SERVICES

1. Management of Non-academic Services and Student Welfare

- 1.1 The head of school will appoint a person or persons howsoever styled to be charged with the overall responsibility for any and all non-academic services offered by the School, save that when a head of school entrusts the said responsibilities to more than one person the responsibilities will be vested collectively in all the persons so appointed and the head of school will nominate one person in the role of Leader from among such persons in terms of the hereunder sub-article 1.2 of Part B of this Schedule. Save for the provisions of the hereunder sub-article 1.4 of Part B of this Schedule, nothing mentioned in this provision will prohibit the head of school or the Director of Studies from acting as the said Leader. The Home Tuition Provider will act as the said Leader and the provisions of Part B of this Schedule, shall apply *mutatis mutandi*.
- 1.2 The said person, whether on his own or collectively with other persons, must be so nominated on an exclusive basis, must be notified in writing to the Council and will only act in such capacity for one School at a time. He will be responsible to report to the Council on the provisions of the hereunder sub-article 1.5 of Part B of this Schedule.

- 1.3 Whether the non-academic services provided by the School are so provided directly by the School or through agents or sub-contractors, the Leader will ensure that any non-academic service that may be offered is effectively provided at standards which are customary for the provision of such services and in conformity with the relative contractual obligations, these regulations, and Schedule.
- 1.4 The said Leader will have the qualifications set out hereunder:
- (a) possess a first degree from a recognised university in a subject or subjects relative to the functions of the post or a higher diploma in hospitality or tourism management at National Qualifications Framework level 5 or higher from a recognised institution approved by the Council;
 - (b) have no less than four years experience in customer care and in the hospitality industry with at least two years in a senior or professional managerial position;
 - (c) together with each other appointed person, if any, possess a police certificate of good conduct issued within the last month prior to application and maintain such certification to be provided on demand throughout the tenure of the post;
- 1.5 The appointed person or persons will be responsible for the day-to-day management and administration of the non-formal and informal learning processes and of the non-academic services of the School and will liaise with the Director of Studies for overseeing all non-formal learning processes of the student. It is the duty of such nominated person or persons to have a supervisory presence at all times during the running of the non-academic services of the School. Without prejudice to the generality of the foregoing, the duties and responsibilities of the appointed person or persons will include:
- (a) satisfying at all times the non-academic criteria;
 - (b) setting and monitoring the School's non-academic services plan including standards and performance levels and taking all action necessary to maintain and improve standards;
 - (c) organising and running of the non-academic services of the School;
 - (d) providing, during normal School hours and at all times during activities organised by the School, advice, information and guidance, including without prejudice to generality particular reference to local laws, local customs, general behaviour, respect towards the local community as well as non-formal and informal education services;
 - (e) supervision and welfare during activities organised by the School commensurate

with the profile and age of the student;

- (f) recruitment, guidance, in-service training, regular continual professional development and performance assessments of persons employed or otherwise engaged in the provision of information, guidance, welfare, non-formal and informal learning processes and non-academic services to students;
- (g) attending to non-formal and informal learning processes and non-academic issues and resolving problems and complaints;
- (h) provision of an identification document for each student registered to follow a course at the School as may be determined from time to time by the Council;
- (i) liaison with any person or entity through whom the School provides the student with non-academic services including, without prejudice to generality, accommodation or lodging, transportation, cultural, leisure, entertainment and sports activities in Malta and Gozo;
- (j) liaison with any person or entity through whom the School receives students and with whom the School executes a written contract in terms of regulation 13 of these regulations, compliance therewith and supervision of the proper execution of the said contract;
- (k) in the case of students who have not attained the age of eighteen years:
 - (i) provision of a 24 hour 7 day per week emergency communication service to students, student leaders, agencies and competent authorities;
 - (ii) taking of such measures as may be necessary to safeguard the general welfare of students during all times their stay in Malta or Gozo as the Council will from time to time prescribe;
- (l) approval and monitoring of board and lodging facilities, and ensuring that such facilities at all times comply with all licensing conditions and applicable regulations, and provide what the student was offered as part of the non-academic services by the School;
- (m) vetting of the necessary permits and authorisations of all sub-contractors/agents or other persons providing any non-academic services to the students on behalf of the School;
- (n) ensuring that any description or representation made by the School intended or aimed at marketing, publicising or otherwise promoting the non-academic services offered by the School is a faithful and accurate description or representation of the non-academic services and facilities effectively provided;
- (o) liaison between the School and the Council on non-academic services;

- (p) complying with all reporting requirements on non-academic services which may lawfully be requested from time to time by the Council in an accurate and timely manner; and
- (q) complying with all applicable laws, regulations, and Schedule.
- 2 Schools and Home Tuition Providers offering non-academic services to students, directly as an all-inclusive package or not, or indirectly through another person in accordance with regulation 13 of these regulations, will have overall responsibility for all such non-academic services offers, save that when a student over eighteen years of age makes arrangements for any of his own non-academic services directly himself, the School or Home Tuition Provider will be responsible only for the arrangements it is contracted to provide by the student;
 - 3 The said Leader will ensure the observance by the School of all employment regulations as these affect all employees of the School.
 - 4 A person will not be qualified to be appointed and will not retain the appointed position if that person has been convicted by any court of criminal jurisdiction:
 - (a) for any crime liable to imprisonment for a term exceeding one year; or
 - (b) of having abused the students' trust or having used violence in their regard; or
 - (c) of any crime because of which such person may not, in the Council's opinion, be fit to be in the employment of or otherwise engaged with the provision of non-academic services of a School.
 - 5 The head of school will immediately notify the Council in writing on the occurrence of any of the instances referred to in Article 4 of Part B of this Schedule.

PART C - SCHOOL PREMISES AND SCHOOL ANNEXES
AND HOME TUITION PREMISES

- 1 No person will establish and operate a School unless he has at his disposal and is responsible for the management of, or is in control of, permanent premises that comply with the provisions of Part C of this Schedule.
- 2 The School Premises will be the principal building of the School to serve its day-to-day student and management needs, provide classrooms, adequate and accessible common spaces for the

assembly, relaxation and social interaction of students and sanitary facilities that comprehensively will determine the maximum number of students that are accepted by the School in the School Premises at any one time, offices for the Director of Studies and persons appointed to manage the non-academic services and rooms or appropriate spaces for teachers, resources, library, self-access, internet, administrative staff and other needs.

- 3 The School Annexe or School Annexes will be complementary to the School Premises to accommodate students beyond that determined by the School Premises and, when a building, will provide classrooms, adequate and accessible common spaces for the assembly, relaxation and social interaction of students and sanitary facilities that comprehensively will determine the maximum number of students that are accepted by the School in the School Annexe at any one time, rooms or appropriate spaces for the delegate of the Director of Studies, the persons appointed to manage the non-academic services, teachers, resources and other needs.
- 4 Without prejudice to the generality of the foregoing, buildings that serve as School Premises, School Annexes and Home Tuition Premises will:
 - (a) comply with the quality assurance measures and applicable laws;
 - (b) be in good structural and well decorated condition at all times of use;
 - (c) provide independent access to each classroom;
 - (d) be kept clean and regularly maintained, and conform to health, sanitary, fire and safety regulations regarding school buildings at all times of use;
 - (e) be free from hazards to safety and to good health, have adequate fire exit signs and fire fighting equipment;
 - (f) provide for the easy flow of students at peak and emergency times and for opportunities for these to mix and speak;
 - (g) be conducive to learning, reasonably free from noise and odour pollution, and with a layout that minimises disturbance, discomfort and danger to the users;
 - (h) provide for the purview of food and drinks;
 - (i) include a member of the school's staff trained and certified in fire and safety, present at each site while in operation;
 - (j) include evacuation drills will be practiced on each school premises at least once a year by a competent independent third party when peak student numbers are present; a second fire evacuation drill by trained and certified members of staff will be practiced on premises that are in operation for more than 6 months; records of evacuation times, any concerns and measures taken to address them must be logged;

(k) have exits and routes of escape will be clearly marked, unobstructed and easy to open.

(l) have fire-fighting equipment will be available on each school premises and maintenance records regularly logged.

(m) have First aid kit together with certified first aiders will be available on each school premises and first aid boxes must be well stocked and regularly maintained.

5 Classrooms will:

1. be of such dimensions that the physical depth does not exceed twice the physical width;
2. be well ventilated, lit and aired and protected from heat, cold and Humidity, provided that at least half of the classrooms be naturally lit;
3. accommodate a maximum number of students that will allow flexibility, movement and the formation of sub-groups according to the purpose of the lessons and profile and age of the students;
4. contain such furniture as to ensure that each student accommodated therein can sit, write and move about in comfort. Desks, chairs, tables and other furniture will be in a good state of repair and will allow flexibility in classroom layout.
5. be adequately equipped with teaching aids and have at least a board or information technology systems display commensurate with the purpose of the lessons or other means of graphic display which will be large enough for the maximum number of students in the classroom and positioned in a way as to ensure easy vision by all students;
6. Indoor common spaces for the assembly, relaxation and social interaction of students will be appropriately furnished and decorated and will adequately provide facilities for ventilation and for the accommodation and refreshment of all students during break-times and access for students between classrooms.
7. Outdoor common spaces for the assembly, relaxation and social interaction of students will provide appropriate safety, security and shielding from heat and cold and adequate facilities for accommodation and refreshments, if not adequately provided indoor, during break-times and will be such as to minimise noise and disturbance to third parties when in use.
8. Toilet and sanitary facilities must be approved by the competent health authorities. Such facilities will be commensurate with the total number of users present on the School Premises or School Annexe at any one time. Separate male and female toilet

facilities should be provided at the minimum rate of one per fifty students. Teaching personnel and other staff will have their own separate toilet and sanitary facilities. All toilet and sanitary facilities will be clean, hygienic and maintained.

9. The premises for the provision of Home Tuition will be the duly licensed regular residence of the Home Tuition Provider and will provide a quiet area or room conducive to study, single or twin/double bedroom with private facilities as well as common spaces freely accessible to the student for living, dining and social interaction with the English language teacher and his household.
10. Without prejudice to the generality of the foregoing, the premises for the provision of Home Tuition, whether the English language teacher's residence or student's temporary residence, will:
 - (a) comply with quality assurance measures;
 - (b) be in good structural and well decorated condition at all times
 - (c) be naturally well ventilated, lit and aired and protected from heat, cold and humidity;
 - (d) provide independent access to each bedroom and to the bathroom;
 - (e) be kept clean and regularly maintained, and conform to health, sanitary, fire and safety regulations at all times;
 - (f) provide a quiet area or room and conditions conducive to learning and be reasonably free from noise and odour pollution, and with a layout that minimises disturbance and discomfort to the users;
 - (g) be appropriately and comfortably furnished as to ensure the comfort and welfare of each student accommodated thereat;
 - (h) be adequately equipped with teaching materials, aids and equipment commensurate with the purpose of the lessons and the profile of the student;
 - (i) provide for the supply of the students' need of fresh potable water.

PART D - DISTANCE LEARNING PROVIDERS

1 No person not in possession of a license for Distance Learning Providers will be entitled to display the marks and signs provided for in sub-article (1) (f) of regulation 6 of these regulations and to represent himself as a Distance Learning Provider from Malta.

2. The Distance Learning Provider will provide;

- a) adequate infrastructure, in terms of human resources and reliable equipment;
- b) an effective system of identity verification;
- c) recording the electronic communication hours;
- d) protection for student and teacher privacy;
- e) prevention against identity fraud;
- f) assurance of security of the services provided;
- g) monitoring of the performance of the students and the teachers.

As approved by the Council

3. The Director of Studies of a Distance Learning Provider will be responsible for all that set out in sub-article 1.4 of Part A of this Schedule and for the:

- a) development and supervision of the Distance Learning Programmes.
- b) application of modern technologies,
- c) creation of a suitable environment for the implementation of the Distance Learning Programme,
- d) development of skills of the Distance Learning teaching staff in the field of education technology and development of electronic curricula with the provision of technical support,
- e) timely feedback of the Distance Learning Teachers deemed to be not in excess of twenty-four hours.

SCHEDULE 1

Fees

	€
For the issuing of an ELT Permit.....	15
For the issuing of an ELT Permit for Distance Learning.....	15
For the issuing of an ELT Permit for Home Tuition.....	15
For the issuing of an ESP Permit	15
For the renewal of an ELT Permit.....	20*
For the renewal of an ELT Permit for Distance Learning.....	20*
For the renewal of an ELT Permit for Home Tuition.....	20*

For the renewal of an ESP Permit.....	20*
For a new School license.....	200
For a School license renewal.....	100-400**
For a new Annexe license.....	100
For an Annexe license renewal.....	200*
For a new Distance Learning Provider license.....	100
For a renewal of Distance Learning Provider license.....	100*
For a new Home Tuition Provider license.....	100
For a renewal of Home Tuition Provider license.....	100*

*Payable on every application of renewal.

** Varies in accordance to the school category table and payable on every application of renewal.

School Category Table

Category A Schools (not more than 2,400 student weeks in the preceding year), pay €100.
Category B Schools (between 2,400 and 7,200 student weeks in the preceding year), pay € 200.
Category C Schools (between 7,200 and 12,00 student weeks in the preceding year) pay €300.
Category D Schools (more than 12,000 student weeks in the preceding year) pay €400