

SUBSIDIARY LEGISLATION to THE EDUCATION ACT CAP 327
ENGLISH LANGUAGE TEACHING COUNCIL
REGULATIONS

LEGAL NOTICE XX of 2015,

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 Regulations. Citation.

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 "English Language Teaching Council" to be also referred to as the "ELT Council" established by regulation 4 of these regulations;

"Distance Learning" means the provision by electronic means from Malta of English Language Teaching to speakers of other languages (ELT) that do not physically attend a place ordained for tuition in Malta or elsewhere established by regulation 9 (2) of these regulations;

"Distance Learning Provider" means any person that is licensed with the Council to provide Distance Learning;

"Distance Learning Teacher" or "Distance Learning Practitioner" means any person trained and qualified in ELT and in computer skills, and in possession of an ELT Permit for Distance Learning;

"ELT" means English Language Teaching to speakers of other languages;

"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 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;

"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 ELT and in possession of an ELT Permit;

"ESP" means English for specific purposes;

“Home Tuition” means the provision of ELT by an English Language Teacher, not in the name or employment of a School, principally at the place of residence of the same English Language Teacher or of the student, 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, howsoever imparted or transmitted whether as non-formal or informal learning or otherwise, 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 ELT conducted continuously throughout the year and may include non-formal and informal learning and teaching English for the specific purposes of other disciplines when packaged with the principal activity, save that a School may be permitted to conduct formal ELT for a continuous period of not less than three consecutive months in every year and not operate otherwise, 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, in whole or in part, howsoever described, temporarily or permanently ordained towards ELT by the School and approved for the purpose by the Council prior to use;

“School Premises” means any building or group of contiguous buildings whether in whole or in part howsoever described ordinarily ordained towards ELT by the School as its permanent principal premises and approved for the purpose by the Council;

3. The object of these regulations is to provide for a regulatory framework for the advancement, quality assurance and monitoring of the ELT 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 will not continue to apply to Schools, subject of these regulations, 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 English Language Teaching Council or ELT Council, having such functions and powers as are set out in regulation 6 of these regulations, which will be a body corporate having a distinct legal personality and will 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 of 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;

English
Language
Teaching
Council

5. (1) The Council will be composed of nine members appointed by the Minister as follows:

Constitution
of the
Council

(a) a Chairperson appointed by the Minister;

(b) a member appointed by the Minister from among persons with competence in teaching English from the National Commission for Further and Higher Education;

(c) a member nominated by the Minister responsible for tourism,

(d) a member nominated by the Minister responsible for tourism from among persons with industry experience from the Malta Tourism Authority;

(e) a member nominated by the Rector of the University of Malta from among persons with competence in teaching English;

(f) two members nominated 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 full-time employment positions at National Qualifications Framework level 6 of licensed Schools that operate all year round, generally having one from an academic position and one from a non-academic position.

(2) 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 Chairman 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.

(3) 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.

(4) If any vacancy in the Council occurs for any cause, the Minister will, as soon as practicable, appoint another person fill the vacancy in terms of the sub-article of article 5 of these regulations that constitutes the said vacancy.

(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 and deemed to constitute a quorum at the meetings of the Council will be half the number of 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 a Council official as the Council may from time to time decide.

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

- (a) to issue licences in terms of these regulations, to suspend and withdraw licences, and set and enforce conditions thereto;
- (b) to monitor compliance by Schools, Home Tuition Providers, Distance Learning Providers, English Language Teachers with the provisions of the Act, these regulations, Schedules, licence, ELT Permit and ESP Permit conditions as applicable, and Council rules as it may determine and publish on the Council's website from time to time, and to take all such measures it may consider appropriate against any such School, Home Tuition Provider, Distance Learning Provider, English Language Teacher, in breach thereof;
- (c) to carry out quality assurance procedures, establish and maintain rules, regulations and mechanisms for quality assurance on all aspects of ELT stays and on Distance Learning and to 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 Malta's National Qualifications Framework;
- (f) to establish, develop, maintain and own brands, marks of distinction and signs of quality assurance and to promote and regulate their use;
- (g) to advise the Minister on the state, operation, needs and prospects of

Functions
and powers
of the
Council
CAP 327

S.L.343.26

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 to constitute Schedule 1 to these regulations;
- (i) to determine and levy fines or penalties in cases of non-compliance;
- (j) to advise on and promote the proficiency of English and the benefits of ELT nation-wide;
- (k) to gather any data necessary for the advancement or enhancement of the sector;
- (l) 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 Council rules and quality assurance standards and, as duly authorised in writing by the Chairperson, the power to enter into any School Premises, School Annexe, residence or place for the provision of Home Tuition, location for the provision of Distance Learning, to conduct interviews with any person involved in the management of a School, Home Tuition or Distance Learning, or with an English Language Teacher, for the purpose of monitoring and enforcing compliance, retrieving information and documents and inspecting and reporting on the teaching process, the physical or technological environment, the observance of the regulations, Schedule, Council rules, quality assurance standards, and licence conditions, established by virtue of the Act, these regulations and Schedule and to levy administrative fines for non-compliance.

7. (1) There will be ELT Council Officers to provide management and

ELT Council

general administrative services to the Council.

Officers

(2) Without prejudice to the generality of their duties and functions, the ELT Council Officers will:

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

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

Chief
Executive
Officer

(2) The Chief Executive Officer will report to the Chairperson and to the Council and will attend the meetings of the Council whenever invited to do so but will not have a 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, keep or operate a School, or to use words having a similar effect, brands, marks or signs provided for in sub-article (1) (f) of regulation 6 of these regulations in any statement or document whether in print, electronic or other format;

Licence to
establish,
keep and
operate a
School or
to provide
Distance
Learning

(2) Except for Distance Learning Providers duly licensed under these regulations and which comply with the provisions hereof, no person or other distance learning provider may indicate or hold himself as being approved or licensed by the Council to provide Distance Learning or use or display words

having a similar effect, brands, marks or signs provided for in sub-article (1)(f) of regulation 6 of these regulations in any statement or document whether in print, electronic or other format;

(3) A licence will be valid for a period of not exceeding 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 the Schedule and to satisfying the quality assurance standards as the Council may determine 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 determine from time to time in accordance with these regulations and the Schedule;

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

10 (1) Except for English Language Teachers 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 conduct ELT or Distance Learning, to teach, or teaches, English to speakers of other languages, or to establish, keep and operate Home Tuition, or to use words having a similar effect, brands, marks or signs provided for in sub-article (1) (f) of regulation 6 of these regulations in any statement or document whether in print, electronic or other format.

Permit to
conduct ELT,
Distance
Learning,
establish,
keep and
operate
Home Tuition,
and conduct

(2) Except for English Language Teachers and persons who teach English for specific purposes 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, and teaches, English for specific purposes in a discipline or to use words having a similar effect, brands, marks or signs provided for in sub-article (1) (f) of regulation 6 of these

ESP

regulations in any statement or document whether in print, electronic or other format.

(3) An ELT Permit, ELT Permit for Distance Learning may only be issued to a person who, on application and in the opinion of the Council, has the required skills according to these regulations and Schedule to conduct ELT;

(4) 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

(5) An ESP Permit may only be issued to a person who, on application and in the opinion of the Council, has the required skills according to these regulations and Schedule to teach English for specific purposes to speakers of other languages;

(6) Any such above said Permit of this regulation 10 will be issued and valid for a period not exceeding 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 determine from time to time;

(7) A person will not be qualified to obtain and will not retain any such above said Permit of this regulation 10 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, by Distance learning or to provide Home Tuition.

(8) Where a person loses his ELT Permit, ELT Permit for Home Tuition, ELT Permit for Distance Learning or ESP Permit, following a conviction as is referred to in the aforesaid sub-article (7) of regulation 10 of these regulations, notice of such loss will be given by the Council in the Gazette and such notice and order for the immediate return of his said Permit will be communicated by the Council to the person so disqualified, unless such person has been interdicted by the judgment itself.

(9) The Council may, upon application to this effect, restore the said Permit to a person who is so disqualified to hold or who forfeits such said Permit in terms of the aforesaid sub-articles (7) and (8) of regulation 10 of these regulations if the applicant meets such requirements that the Council may prescribe.

(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) Any such above said Permit of this regulation 10 which has been suspended or withdrawn must be returned to the Council within thirty days from receipt of notice by the Council to that effect.

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 in possession of an ELT Permit or licence 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 Schedule 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, English Language Teachers and ESP Permit holders 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

touristic package offered, organised or 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 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 Schedule had he been providing an all-inclusive package.

Packages

14. (1) No person, School, Home Tuition Provider or Distance Learning 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, Home Tuition, Distance Learning unless that School, Home Tuition Provider, 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, non-formal and informal learning 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, Distance Learning or its services and facilities as actually provided by such School, Home Tuition Provider or Distance Learning Provider and the facilities conform to the real 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) 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 will be liable to an administrative fine not exceeding one thousand one hundred and sixty five euro (€1165.00). The Council will 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 for in this regulation, the Council will allow for a due period of time for 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 contained herein 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 or for one Distance Learning Provider at a time, save where the Distance Learning Provider forms an integral part of the School.

1.3 The Director of Studies will possess the qualifications set out hereunder:

(a) (i) an international diploma at post-graduate National Qualifications Framework level 7, or a comparable or higher qualification, in English language teaching to speakers of other languages from a recognised university or institution plus a minimum of 1,000 ELT contact hours spread over no less than 12 cumulative months;

or

(ii) a first degree in English or in English as the main subject at National Qualifications Framework level 6 and an international certificate at National Qualifications Framework level 5 or a comparable or a higher qualification in English language teaching to speakers of other languages from a recognised university or institution plus a minimum of 1,500 ELT contact hours spread over no less than 12 cumulative months;

or

(iii) a post-graduate degree at National Qualifications Framework level 7 in Education, Applied Linguistics or Linguistics with specialisation in teaching a

language to speakers of other languages and an international certificate at National Qualifications Framework level 5 or a comparable or a higher qualification in English language teaching to speakers of other languages from a recognised university or institution plus a minimum of 2,000 ELT contact hours spread over no less than 12 cumulative months;

(b) a valid ELT Permit,

save that a Director of Studies appointed by a Distance Learning Provider must in addition possess a certificate of successful completion of a training programme in the use of computer technology certifying competence in the workings of the applicable technology system as approved by the Council;

(c) 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.

1.4 (i) The Director of Studies of a School will be responsible for the day to day management and administration of all formal academic matters and, when provided by the School, 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 any non-formal processes, which duty may be delegated to a deputy who possesses the qualifications set out in sub-article 1.3 of Part A of this Schedule and is approved for the purpose by the Council.

(ii) The Director of Studies of a Distance Learning Provider will be responsible for the day to day management and administration of all formal academic matters of the Distance Learning of the student. It is the duty of the Director of Studies of a Distance Learning Provider to provide each student with a contact and to address any queries in a timely manner as provided for in sub-article 3(e) Part D of this Schedule.

Without prejudice to the generality of the foregoing, the duties and responsibilities of the Director of Studies of a School and, *mutatis mutandi* of a Distance Learning Provider will include:

- (a) satisfying at all times the academic criteria and standards of these regulations, this Schedule, licence conditions and Council rules as established by the Council from time to time;
- (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 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;
- (e) attending to formal academic issues, academic progress of students and of English Language Teachers and resolving academic issues and complaints;
- (f) maintenance of proper academic records including formal tuition course syllabi, ELT Practitioner register and student attendance records;
- (g) setting and overseeing the non-formal learning objectives, processes, standards and outcomes of the School;
- (h) liaison with the Council on all formal and non-formal academic matters;
- (i) complying with all reporting requirements on academic services which may lawfully be requested by the Council from time to time in an accurate and timely manner;
- (j) complying with all applicable laws, regulations, this Schedule, licence conditions, Council rules and any quality assurance measures in force from time to time.

2. School Annexe Manager

2.1 No Director of Studies of a School will operate, or permit to be operated, a School Annexe unless such School Annexe is approved by the Council and he has previously appointed and delegated a School Annexe Manager who meets with the approval of the Council and who possesses the following qualifications:

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

(c) a minimum of 1000 ELT contact hours 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.

- 2.2 It is the duty of the School Annexe Manager to be responsible, within the limits of any given authority, for delegated the day to day management and administration of all formal academic matters and to be present at the School Annexe at all times during the running of formal tuition.

Without prejudice to the generality of the foregoing, the delegated duties and responsibilities of the School Annexe Manager will include:

- (a) attending to formal academic issues, academic progress of students and of English Language Teachers and resolving academic issues and complaints;
 - (b) maintenance of proper academic records including formal tuition course syllabi, ELT Practitioner register and student attendance records;
- and that specified in sub-article 1.4 of Part A of this schedule.

3. English Language Teacher

- 3.1 No School will employ or otherwise engage a person and no person will engage as an English Language Teacher unless they possess the qualifications set out hereunder in sub-article 3.2 of Part A of this Schedule and an ELT Permit.

- 3.2 In order to qualify for an ELT Permit a person must possess the following qualifications:

- (a) at least eighteen years of age;
- (b) a matriculation certificate or comparable qualifications at National Qualifications Framework level 4 if under the age of twenty-one years on the date of application;
- (c) (i) a Test for English Language Teachers (TELT) certificate issued by the Council or comparable qualification in English language not inferior to Grade B 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) 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) 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;

3.3 The Director of Studies may, at his own discretion, apply to the Council to engage the services of persons to give lessons in English for specific purposes (ESP). Any person to be so engaged must possess the following qualifications:

(a) (i) at least a first degree at National Qualifications Framework level 6 taught in English in the specific purpose applied for,

or

(a)(ii) five years' experience in a professional management position in the specific purpose where English is the medium of communication;

(b) a certificate in the methodology of teaching English language to speakers of other languages approved by the Council or comparable qualification;

(c) a valid ESP Permit restricted to teaching English for the stated specific purpose;

(d) 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 person will complement the regular teaching personnel only in so far as lessons in the specific purpose are concerned.

3.4 An ELT Permit may be renewed on application subject to regulation 10 (6) of these regulations and to having followed annual programmes of continual professional development (CPD) and of up-dating in English language proficiency and teaching

methodology whereby the programme hours of such continual professional development and such updating amount to an annual average minimum of eight over four consecutive years or to more hours as the Council may determine from time to time;

- 3.5 An ESP Permit may be renewed on application subject to regulation 10 (6) of these regulations and to having followed annual programmes of continual professional development (CPD) and of up-dating in the specific purpose and in teaching methodology whereby the programme hours of such continual professional development and such updating amount to an annual average minimum of six over four consecutive years or to more hours as the Council may determine from time to time;

4 English Language Teacher Providing Home Tuition

- 4.1 No person will in any way indicate or hold himself as a Home Tuition Provider unless that person possesses:
- (a) the qualifications set out in the aforesaid sub-articles 3.2 of Part A of this Schedule;
 - (b) an ELT permit for Home Tuition;
 - (c) at his disposal, and is responsible for, the management, 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;
 - (d) a minimum of 750 ELT contact hours 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;
 - (e) 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 4.1 (d) of Part A of this Schedule to the satisfaction of the Council;

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

4.2 An ELT Permit for Home Tuition may be renewed on application subject to regulation 10 (6) of these regulations and to having followed annual programmes of continual professional development (CPD) and of up-dating in English language proficiency and teaching methodology whereby the programme hours of such continual professional development and such updating amount to an annual average minimum of eight over four consecutive years or to more hours as the Council may determine from time to time;

4.3 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 and standards of these regulations, licence conditions and Council rules established by the Council from time to time;
- (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) reporting to the Council on all formal and non-formal academic matters;
- (g) complying with all reporting requirements which may lawfully be requested by the Council from time to time in an accurate and timely manner;
- (h) complying with all applicable laws, regulations, this Schedule, licence conditions, Council rules and any quality assurance measures in force from time to time.

4.4 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;

5 English Language Teacher trainer

5.1 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) (i) an international diploma at post-graduate National Qualifications Framework level 7 in English language teaching to speakers of other languages or a comparable or higher qualification from a recognised university or institution plus a minimum of 1,500 ELT contact hours spread over no less than 12 cumulative months;

or

(ii) a first degree in English or in English as a major subject at 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 or higher qualification of a recognized university or institution plus a minimum of 2,000 ELT contact hours spread over no less than 12 cumulative months;

(c) 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 for a minimum of six hours as approved by the Council; or to more hours as the Council may determine from time to time;

5.2 No English Language Teacher may design, conduct, or teach on, a teacher training course ordained for the issue of an ELT Permit or ESP Permit unless he satisfies the requirements of the aforesaid sub-article 5.1 of Part A of this Schedule and, upon application, is granted permission by the Council.

5.3 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 or ESP Permit that has not been approved by and registered with the Council.

6 English Language Teacher Providing Distance Learning

6.1 No person will in any way indicate or hold himself as a Distance Learning Teacher or Practitioner from Malta unless that person possesses:

- (a) the qualifications set out in the aforesaid sub-articles 3.2 of Part A of this Schedule;
- (b) at least twenty-one years of age;
- (c) a minimum of 300 ELT contact hours to adults in a School spread over no less than 6 cumulative months, certified by the Director of Studies of that School to the satisfaction of the Council;
- (d) a certificate of successful completion of a training programme in the use of computer technology certifying competence in the workings of the applicable technology system as approved by the Council.

7. Certificates

7.1 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.

7.2 An 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.

7.3 A Distance Learning Provider will, over the signature of the Director of Studies, issue a certificate of participation at the named Distance Learning Programme to every student, setting out the level of, and the involvement in, the course followed.

7.4 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 contained therein 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 will 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, Schedule, licence conditions, Council rules and quality assurance criteria established by the Council from time to time.
 - 1.4 The said Leader will possess the qualifications set out hereunder:
 - (a) (i) a first degree at National Qualifications Framework level 6 from a recognised university in a subject or subjects relative to the functions of the post;

or
 - (ii) a higher diploma in hospitality or tourism management at National Qualifications Framework level 5 or higher from a recognised institution approved by the Council;

save that any person, who on the coming into force of these regulations had performed the role and functions of Leader at a professional and managerial position equivalent to the National Qualifications Framework level 6 on a full-time basis for an uninterrupted period of four years at a School that operates all year round, will be deemed to possess the foregoing requisite qualifications of this sub-article 1.4 (a).

- (b) no less than four years' experience in customer care and in the hospitality industry with at least two years in a senior or professional and managerial position at National Qualifications Framework level 6;
- (c) together with each other appointed person, if any, 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-academic services of the School and, when provided, for the non-formal and informal learning processes 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, health and safety criteria and standards of these regulations, applicable regulations, Schedule, licence conditions and Council rules established by the Council from time to time;
- (b) setting and monitoring the School's non-academic services plan including standards and performance levels and taking all action necessary to maintain quality assurance 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 any non-formal and informal learning 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 (CPD) and performance assessments of persons employed or otherwise engaged in the provision of information, guidance, welfare, safety, non-formal and informal learning processes and, in general, all non-academic services to students;
- (g) attending to non-academic issues, to non-formal and informal learning processes 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 by the Council from time to time;
- (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 at all times during their stay in Malta or Gozo when registered with the School and not accompanied by a parent or adult guardian and of such measures that 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) training and certification of School staff in fire, safety and first aid and ensuring the presence of at least one such certified person in each field at the School Premises and at each of the School Annexes when in use, provided that at least one such person in each field is present in each building when these are not inter-connected;
 - (o) the provision of evacuation drills for all emergencies at the School Premises and at each of the School Annexes at least once a year by a competent certified person at a time when peak student numbers are present subject to a second evacuation drill by the certified School staff whenever the School Premises or a School Annexe is in operation for more than 6 months in any consecutive 12 month period;
 - (p) the keeping of records of each such evacuation drill including evacuation procedures and times, of all maintenance checks of all fire-fighting equipment and of all health and safety concerns and measures undertaken for their prevention and resolution;
 - (q) ensuring that any description or representation made by the School intended for, 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;
 - (r) liaison between the School and the Council on non-academic services;
 - (s) complying with all reporting requirements on non-academic services in an accurate and timely manner which may lawfully be requested by the Council from time to time;
 - (t) complying with all applicable laws, regulations, this Schedule, licence conditions, Council rules and any quality assurance measures in force from time to time.
- 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 by the student to provide;

- 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,Provided that sub-articles (8), (9) of regulation 10 of these regulations will apply *mutatis mutandi* to any such disqualified person.
- 5 The head of school will immediately take action and notify the Council in writing of any occurrence in terms of the aforesaid 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, keep or operate a School unless he has at his disposal and is responsible for the management, 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 student numbers beyond those determined by the School Premises and will provide for 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, each building that serves as School Premises and School Annexe will:
 - (a) be compliant with all applicable laws, regulations, this Schedule, licence conditions, Council rules and quality assurance measures in force from time to time;
 - (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) provide for the easy flow of students at peak and emergency times and for opportunities for these to mix and speak;
 - (f) be conducive to learning, reasonably free from noise and odour pollution, and with a layout that minimises disturbance, discomfort and danger to the users;
 - (g) be free from hazards to safety and to good health;
 - (h) have commensurate fire exits and routes of escape that are visibly signed, unobstructed and easy to open;
 - (i) have regularly maintained fire-fighting equipment and well stocked first-aid boxes available in prominently visible locations;
 - (i) provide for the purview of food and drinks.
- 5 Classrooms will:
 - (a) be of such dimensions that the physical depth does not exceed twice the physical width;
 - (b) be well ventilated, lit and aired and protected from heat, cold and humidity with at least half of such classrooms being naturally ventilated and lit;
 - (c) 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;

(d) 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 for flexibility in classroom layout.

(e) 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 that ensures 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 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, cold and rain 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 and learning, 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) be compliant with all applicable laws, regulations, this Schedule, licence conditions, Council rules and quality assurance measures in force from time to time;
- (b) be in good structural and well decorated condition at all times when a student is hosted;
- (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 reasonably free from noise and odour pollution, and with a layout that minimises disturbance and discomfort to the users;
- (f) be appropriately and comfortably furnished as to ensure the comfort and welfare of each student accommodated thereat;
- (g) be adequately equipped with teaching materials, aids and equipment commensurate with the purpose of the lessons and the profile of the student;
- (h) be kept clean and regularly maintained, free from hazards to safety and good health, and conform to health, sanitary, fire and safety regulations at all times;
- (i) have a regularly maintained and well-stocked first-aid box available in a location made accessible and known to the student;
- (j) provide for the supply of the students' need of fresh potable water.

PART D - DISTANCE LEARNING PROVIDER

- 1 A Distance Learning Provider will provide:
 - (a) his Domain Name Services to be registered with the Council;
 - (b) adequate infrastructure in terms of human resources and reliable equipment;
 - (c) an effective system of identity verification;
 - (d) protection of the privacy of the student and the teacher;
 - (e) prevention against identity fraud;
 - (f) assurance of the security of the services provided;
 - (g) recording of the electronic communication hours of a student;

(h) monitoring of the performance of each student and of the teachers,
each as approved by the Council.

- 2 The Director of Studies of a Distance Learning Provider will, in addition to that set out in sub-article 1.4 Part A of this Schedule, be responsible for the:
- (a) development and supervision of the Distance Learning Programmes and any student assessments thereto;
 - (b) application of suitable modern technologies;
 - (c) creation of a suitable environment for the implementation of the Distance Learning Programme;
 - (d) development of skills of the English Language Teachers providing Distance Learning in the field of education technology and development of electronic curricula with the providence of technical support;
 - (e) timely feedback of the English Language Teachers providing Distance Learning to the student deemed to be not in excess of twenty four hours, save that a Distance Learning Provider may promote and inform a prospective student prior to recruitment that the twenty-four hour timeframe is not applicable on week-ends and on listed public holidays.

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.....	40
For a renewal of Home Tuition Provider license.....	50*

*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