

SAFEGUARDING AND WELFARE GUIDELINES FOR UNDER-18S IN ELT MALTA SCHOOLS

Minors represent a significant share of ELT arrivals in Malta each year, and as the regulator, the ELT Council is committed to ensuring that all minors are treated with the utmost care and attention. We are actively working to support schools in meeting their obligations, offering training, and providing resources to ensure that schools are equipped to maintain a safe and supportive environment for minors.

This document serves as a guide to help schools understand and implement the necessary measures to safeguard minors, in line with the regulatory requirements set forth in Legal Notice 221 of 2015, the Protection of Minors (Registration Act) POMA, Children and Young Persons Act, and beyond.

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GOVERNMENT OF MALTA
MINISTRY FOR EDUCATION,
SPORT, YOUTH, RESEARCH
AND INNOVATION

SECTION 1

SAFEGUARDING AND CHILD PROTECTION RESPONSIBILITIES IN ELT SCHOOLS

This section outlines the schools' duties to maintain a safe environment for minors, including establishing clear roles and reporting processes.

INTRODUCTION

Code of Conduct Governing Relationships Between Teachers and Minor Students in Language Schools

Language schools, by their nature, bring together students and educators from diverse backgrounds in immersive, often intensive learning environments.

When students are minors (that is, under 18 years of age), there is an elevated duty of care upon staff to ensure that their wellbeing, safety, and development are protected at all times. This guidance note aims to assist ELT Schools by outlining the professional expectations, legal requirements, and behavioural standards for all members of staff in relation to their conduct with minor students. While the focus is largely directed towards teachers, the same expectations apply to administrative staff, group leaders, activity organisers, and any individual operating in a position of trust, particularly those who are expected to have direct relations with minor students attending the school.

Professional Relationships and Appropriate Boundaries

The relationship between a teacher and student must remain entirely professional at all times, characterised by clear, respectful boundaries and grounded in the educational purpose of the engagement. Teachers are expected to conduct themselves with maturity, discretion, and propriety. They must be aware of the inherent power imbalance present in any adult-minor dynamic and take active steps to ensure this imbalance is not exploited, whether deliberately or inadvertently.

Teachers must avoid developing or encouraging personal relationships with minor students beyond the classroom. This includes excessive familiarity, favouritism, or emotional closeness that extends beyond professional engagement within the teacher-student relationship. Any emotional support must only be offered within the framework of institutional safeguarding procedures. For instance, if a student appears distressed or confides in a teacher, the teacher should respond with compassion, but refrain from offering personal solutions, promises of confidentiality, or engaging in private, off-the-record conversations. All such incidents should be referred to the school's administration without delay.

Physical contact between staff and students must be strictly limited and should only occur when absolutely necessary, for example to prevent injury or to assist with any temporary mobility issue. Staff are to keep in mind that even where physical contact is well-intentioned, it may be misconstrued. Accordingly, teachers must always consider how actions may be perceived by the student, their peers, other staff, and observers.

External Contact and Social Activity

Teachers' interaction with minor students should start and stop in the classroom, and should at no point extend to any form of social interactions beyond the school environment. Under no circumstances should teachers engage in one-to-one socialising with minor students in informal, unsupervised settings, including meals or leisure activities. It is strictly forbidden for teachers to invite students to their accommodation, or to enter a student's room or residence. Teachers must never give gifts, personal notes, or favours to minor students. Even small acts of kindness can lead to perceptions of favouritism or emotional entanglement and, in a worst-case scenario, could mask or facilitate inappropriate conduct which may have serious legal repercussions for both the school and the teacher in question. All student recognition and encouragement should occur through regular institutional channels such as feedback forms, reports and the like.

Digital Conduct and Social Media Use

The digital realm presents additional challenges for safeguarding, particularly due to the pervasiveness of smartphones and social media platforms. Teachers must not engage with minor students through personal social media accounts under any circumstances. This includes accepting or sending friend/follow requests, following or interacting with student content, or messaging via private accounts such as Instagram, TikTok, Snapchat, Facebook, WhatsApp, or similar applications.

If digital communication is required for educational class-based purposes, it must be conducted using official school communication tools, such as professional email addresses or virtual learning environments and should always be public, transparent, and time-bound. Private messaging, even when academically motivated, can create ambiguity and expose both student and teacher to risk. All communications should be professional in tone, occur during reasonable working hours, and be accessible to school administrators if needed.

Teachers are expected to maintain the same high standards online as they do in person. Content posted publicly by staff on their personal social media accounts must not undermine their professional standing. Material involving alcohol, offensive language, sexually suggestive themes, or discriminatory attitudes is especially discouraged where staff are identifiable as representatives of the institution. Schools are advised to provide social media training to all new staff, particularly younger recruits who may underestimate the impact of their online behaviour.

Legal Compliance and POMA Clearance

In accordance with Maltese legislation, all individuals who work with minors must be cleared under the Protection of Minors Act (POMA) before commencing their duties. POMA clearance confirms that the individual has no criminal history or safeguarding concern that would make them unsuitable to work with children or young people.

It is the responsibility of the school to ensure that every staff member who will be in contact with minors holds current and valid POMA clearance. This includes part-time, freelance, and temporary staff, as well as those engaged via third-party agencies. Failure to secure clearance prior to employment is a breach of statutory duty and may result in sanctions, both for the school and the individual involved. For more information on POMA clearance, SEE SECTION 3. It is however important to note that POMA clearance for licensed ELT teachers is carried out by the ELT Council upon the issuance and renewal of the same licence and therefore need not be carried out by the school itself. However, the obligation nonetheless applies for all other staff who are in contact with minors, or may be in contact with minors owing to the fact that they work within the same premises, even though their contracted duties may not relate to the teaching and/or safeguarding of minors.

Schools must keep an updated central register of all safeguarding credentials in this regard. Staff are expected to disclose any new or pending legal issues that could affect their clearance status. Where doubts arise, the individual must be removed from any contact with minors pending investigation, in accordance with all applicable legal standards.

Training, Supervision, and Reporting Concerns

Schools should encourage the implementation of regular safeguarding training on a regular basis. The training must include modules on appropriate conduct, boundary-setting, recognising signs of abuse or grooming, and reporting procedures. It is the duty of management to ensure that staff are fully briefed on expectations and that mechanisms are in place to support them in upholding the code of conduct, including rules on age restrictions, health and safety etc. All concerns about inappropriate conduct - whether observed directly, suspected, or disclosed - must be reported immediately to the Director of Studies, or such other nominated person. Schools must ensure that all staff and students know how and where to report such concerns, and that they will be taken seriously and addressed sensitively. Whistleblowing procedures must be clearly communicated and protect staff from reprisals where reports are made in good faith.

Failure to report safeguarding concerns constitutes a serious breach of professional conduct. Allegations of unprofessional or abusive behaviour will be investigated internally and, where necessary, referred to external agencies including the police and the ELT Council.

Conclusion

Teachers and other school staff occupy positions of enormous influence and trust. Their words, actions, and even perceived attitudes can have lasting effects on the young people in their care. As such, it is vital that professional boundaries are established, maintained, and regularly reviewed, not only to protect students, but also to safeguard staff and the wider integrity of the language education sector in Malta. By adhering strictly to these guidelines, and embracing a culture of transparency, respect, and legal compliance, language schools can foster a safe, ethical, and educationally focused environment for all.

SECTION 2

WORKING WITH MINORS: PRACTICAL GUIDELINES

This section provides operational guidance on interacting with minors, including professional conduct, supervision, and staff responsibilities.

Minors are all those individuals who have not yet reached eighteen (18) years of age.

1. Minimum Age Restrictions

Staff members must be aware of the age of consent in Malta for various matters, such as:

- **Legal Age for Alcohol Consumption:** The minimum legal age to purchase and consume alcoholic beverages is 17 years. Staff members are to be prohibited from offering or facilitating access to alcohol for minors.
- **Legal Age for Smoking (including Vaping):** The minimum legal age for purchasing and consuming tobacco products, including electronic cigarettes, and cannabis products (within the legal limits), is 18 years.
- **Legal Age for Gambling:** The minimum legal age to participate in gambling activities is 18 years.
- **Age of Consent for Sexual Activity:** The age of consent in Malta is 16 years. Any sexual activity involving individuals below this age, even where both such individuals are below under 16, is strictly prohibited and constitutes a criminal offense.

2. Professionalism

All staff members are expected to act professionally in all aspects of staff engagement with students. Whilst all entities may have implemented their own relationship and sexual harassment policies, staff members are to be made aware that any inappropriate interaction, even if seemingly consensual, is strictly prohibited and will lead to disciplinary action and potential legal consequences.

Moreover, any acts of intimacy and/or sexual activity which involve a minor, even where explicit consent by the minor has been given, are deemed to be illegal and constitute a criminal offence.

It is always advised that all staff members maintain a professional and respectful demeanour in all interactions with students, both adults and minors alike, and avoid establishing personal and non-professional relationships with students. It is always recommended to encourage training to ensure that all staff members are aware of legal, cultural and societal standards expected in this regard, whilst it is also encouraged to implement an Anti-Harassment Policy within your handbooks in order to clearly outline your expectations in this regard.

3. Health and Safety

Schools and learning providers must ensure that all health and safety regulations are adhered to and that all precautionary measures are in place, including the provision of the relative policies and training. Specifically as relates to minors, all entities must ensure that all parental waivers and consent forms are also in place (including for potential cases of emergency treatment), whilst all relative information pertaining to any minor students' medical conditions or requirements (such as allergies) are collected accordingly and notified to the relative staff members strictly on a need-to-know basis.

Please make sure to stay abreast with all legal provisions applicable to the treatment of minors, including the recent amendments to the Health Act wherein specific provision was made to minors of fourteen years upwards' ability to take medical decisions in certain circumstances. It is encouraged to seek legal advice and ensure that your waivers and consent forms tackle this subject appropriately.

It must be emphasised that all health data collected about any students, especially where such students are minors, constitutes sensitive personal data and must therefore be retained securely to protect it against unauthorised disclosure, loss or deletion.

4. Reporting Concerns

Staff members should always be encouraged to report any concerns that they may have in relation to minor students. Entities should ensure that they implement the appropriate reporting procedures (whilst designating a specified role or individual to receive such reports) should staff members suspect or become aware of any instance where a minor may be at risk (such as in cases of perceived neglect, abuse, or inappropriate behaviour).

5. Trainings and Updates

To ensure compliance and awareness, it is strongly recommended that all licensed entities provide or encourage attendance to training on safeguarding and child protection, and ensure staff's complete familiarisation with the school's policies and procedures regarding minors.

SECTION 3

POMA (PROTECTION OF MINORS) CLEARANCE PROCEDURES

This section explains the legal process for vetting all individuals involved with minors, ensuring compliance with the Protection of Minors (Registration) Act.

FAQS ON POMA CLEARANCE PROCEDURES

A comprehensive guide for English Language Teaching (ELT) Schools for the purposes of obtaining clearance of all individuals engaged by them (including employees, volunteers or contractors) via the Protection of Minors (Registration) Act (POMA) register.

Disclaimer:

This document is intended as a general guide to assist in the process of engaging individuals in entities which regularly involve the care and custody of minors. It is not exhaustive and should not be relied upon as a substitute for professional legal, HR, or industry-specific advice. Therefore, it is recommended that you obtain individual legal advice in the case of any specific matters for which you require assistance in this regard.

1. What is the POMA?

POMA stands for the Protection of Minors (Registration) Act, a Maltese law aimed at safeguarding children and young persons from individuals who may pose a risk to their wellbeing. The law establishes a legal framework for maintaining a register of persons found guilty of offences against minors, particularly sexual offences, and sets out obligations for individuals working or volunteering with minors to ensure they are appropriately vetted.

The purpose of POMA is to prevent individuals with a history of abuse from gaining access to environments where they could harm children, thereby reinforcing child protection standards across Malta.

2. How does POMA relate to my school?

POMA directly affects any school or educational institution operating in Malta, as it places a legal obligation on such organisations (and any other organisation which primarily engages itself in the care and custody of minors) to ensure that all individuals who work with or have access to minors are properly vetted.

Specifically, under POMA:

- Schools must request a POMA clearance certificate for all prospective employees, volunteers, contractors, or anyone else who may come into contact with students.
- It is illegal to employ or engage someone who appears on the POMA register (i.e. someone who has been convicted of offences against minors).
- Schools have a duty of care to maintain a safe environment for children, and complying with POMA is part of fulfilling this duty.
- Failure to comply can result in legal consequences for the school, including administrative penalties and reputational damage.

3. Does POMA only apply to individuals who have direct contact with minors?

No, POMA does not only apply to individuals who have direct contact with minors. The law also covers those who may have indirect access to minors within the course of their duties. This includes individuals who:

- Work on school premises (e.g. maintenance staff, cleaners, security personnel, administrative staff);
- Provide services to schools or other child-related environments (e.g. catering or transport providers);

- Are present during school hours or events, even if their role doesn't involve engaging with children directly. The key principle is access, and not necessarily direct contact as part of one's duties.

If a person's role could place them in a position where they might encounter or be in proximity to minors, POMA requires that they be vetted accordingly. This broad scope helps ensure a more comprehensive level of protection for children and young people.

4. Is POMA clearance required for short-term or temporary staff?

Yes. All personnel, regardless of the duration of their engagement, must be cleared if they will be present in environments where minors are present. This includes substitute teachers, supply staff, and temporary contractors.

5. What needs to be done to obtain POMA register clearance for my recruits?

To obtain POMA register clearance for your recruits in Malta, you'll need to follow a formal application process managed by the Court. Here's what needs to be done:

a) Engage a lawyer to submit an application on your behalf to the Court of Voluntary Jurisdiction to request whether an individual appears on the register

b) Indicate the details of the individuals for whom you are requesting clearance, including their full name and surname, nationality, identity card or passport numbers (indicating the nation of issuance) and current residential address.

Eventually, a decree will be issued by the Court which will indicate whether or not the individuals applied for are found on the register

6. What if one of the individuals indicated is found on the register?

In accordance with the provisions of POMA, you are prohibited from engaging such individual within your school. This is a very strict requirements which you are legally obliged to observe.

7. Do I need to conduct this process for each new recruit?

Yes. It is indeed advisable to integrate POMA checks into your recruitment policy and onboarding process to ensure consistent compliance. You must also conduct the process for any current employees, volunteers or contractors who are engaged with you but have not been cleared through the above procedure.

It is crucial that you keep records for your organisation; maintain a file with the clearance certificates for each staff member or volunteer as proof of compliance in case of inspection or audit.

8. What are the risks of non-compliance?

Non-compliance with the POMA law in Malta carries serious legal, operational, and reputational risks for your school or organisation. Legal consequences include the possibility of a fine ranging from €2,500 to €50,000, or imprisonment from three years to four months, or both. Such punishments may also extend to individuals who were aware of such failure and failed to report it accordingly.

9. Do I need to renew POMA checks on occasion?

The law does not provide strict periods for renewals of previous POMA clearances, however it does require that your records remain up to date.

It is therefore recommended best practice that the renewal checks are conducted at least once every two years. You can group a number of individuals and submit the renewal checks at once to avoid having to submit several individual applications at different times, thus bringing the renewal dates of all individuals connected with one single application at par. 10.

10. Does POMA clearance replace a conduct certificate or other background checks?

No. POMA clearance is specific to offences against minors and relates only to the POMA register itself. It does not replace the general Police Conduct Certificate (Kondotta) checks.



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