

L.N. 221 of 2015**EDUCATION ACT
(CAP. 327)****English Language Teaching Council Regulations, 2015**

IN exercise of the powers conferred by article 135 of the Education 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, 2015. Citation.

2. In these regulations, save for the definitions set out hereunder, words and expressions shall 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 the 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 "ELT Council" established by regulation 4;

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

"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 possession of an ELT Permit for Distance Learning;

"ELT" means English Language Teaching to speakers of other languages 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 in a discipline or disciplines to speakers of other languages;

"ELT Permit", "ELT Permit for Home Tuition", "ELT Permit for Distance Learning", and "ESP Permit" mean a licence issued under regulation 10;

"English Language Teacher" or "ELT Practitioner" means any person trained and qualified in ELT and in possession of an ELT Permit;

"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 four such students hosted and taught simultaneously and "Home Tuition Provider" or "Home Tuition Tutor" and similar words shall 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 of the aforesaid, 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 six consecutive and operational months in every year and not operate otherwise, established by regulation 9;

"School Annexe" means any building, not contiguous to the School Premises, in whole or in part, howsoever described temporarily or permanently ordained toward 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;

"Tesol" means Teaching English to Speakers of Other Languages.

3. The object of these regulations is to provide for a regulatory framework for the advancement and monitoring of standards with respect to 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, shall not continue to apply to Schools subject to, and with effect from the coming into force of, these regulations. S.L 327.433

4. There shall 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, 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 English Language Teaching Council.

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doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions.

Constitution of
the Council.

5. (1) The Council shall be composed of nine members appointed as follows:

- (a) a Chairperson appointed by the Minister;
- (b) a member with competence in ELT appointed by the Minister;
- (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;
- (e) a member nominated by the National Commission for Further and Higher Education;
- (f) two members nominated by the Association;
- (g) one member elected by the associated licensed Schools;
- (h) one member elected by the non-associated independent licensed schools provided that the members referred to in paragraphs (g) and (h) are in the full-time employment positions at National Qualifications Framework level 6 of licensed Schools that operate all year round.

(2) Prior to the first meeting of the Council, the Chairperson and the four other members appointed in terms of the sub-regulation (1)(b), (c), (d) and (e) shall convene a meeting of licensed Schools in order to elect the two members of the Council in terms of sub-regulation (1)(g). This meeting shall be convened within one month of the appointment of the Chairperson and the other four members. Each licensed School present shall have one vote. In the case of a tie of votes, a re-vote shall be taken.

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

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

(5) The meetings of the Council shall be summoned by the Chairperson and the Council shall 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 shall be five members present, 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 shall be taken by a majority of votes of the members present. The Chairperson of the Council shall 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 shall be legally represented by the Chairperson or, by resolution of the Council, by any other member or by the Chief Executive Officer, or Council official as the Council may from time to time decide.

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

Functions and powers of the Council.

(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, the 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;

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(e) to develop and maintain a sectoral framework for ELT qualifications referenced to the National Qualifications Framework;

(f) to establish, develop, maintain and own brands, marks of distinction or trust 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 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 in accordance with Schedule 2;

(i) to determine and levy fine 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 enhancement of the sector; and

(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 shall 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 sub-regulation (1).

(3) Without prejudice to the generality of the foregoing, the powers of the Council shall 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 any 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 1, Council rules, quality assurance standards, and licence conditions established by virtue of the Act, these regulations and Schedule 1 and to levy administrative fines for non-compliance.

7. (1) There shall be ELT Council officers to provide management and general administrative services to the Council. ELT Council officers.

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

(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 shall, with the approval of the Minister, appoint a Chief Executive Officer who shall be chosen after an open call for applications and who shall be the head of the ELT Council officers, and who shall 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 shall report to the Chairperson and to the Council and shall attend the meetings of the Council whenever invited to do so but 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, keep or operate a School, or to use words having a similar effect, brands, marks or signs provided for in regulation 6(1)(f) in any statement or document whether in print, electronic or other format. Licence to establish, keep and operate a School or provide Distance Learning.

(2) Except for Distance Learning Providers duly licensed under these regulations and which comply with the provisions hereof,

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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 similar effect, brands, marks or signs provided for in regulation 6(1)(f) in any statement or document whether in print, electronic or other format.

(3) A licence shall 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 Schedule 1 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 licensing 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 Schedule 1.

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

Permit to establish, teach or to or to establish, keep and operate Home Tuition.

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

(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 English for specific purposes in a discipline or disciplines or to use words having a similar effect, brands, marks or signs provided for in regulation 6(1)(f) in any statement or document whether in print, electronic or other format.

(3) An ELT Permit or ELT Permit for Distance Learning may only be issued to a person on application and who, in the opinion of the Council, has the required skills according to these regulations and Schedule 1 to conduct ELT.

(4) An ELT permit for Home Tuition may only be issued to an English Language Teacher on application and who, in the opinion of the Council has the required knowledge and skills to satisfy the conditions of these regulations, Schedule 1 and the requirements of the Host Family Accommodation Regulations.

S.L. 409.10

(5) An ESP Permit may only be issued to a person on application and who, in the opinion of the Council, has the required skills according to these regulations and Schedule 1 to teach English for specific purposes to speakers of other languages.

(6) Any permit issued according to this regulation shall be 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 Schedule 1, as the Council may determine.

(7) A person shall not be qualified to obtain and shall not retain any such 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.

(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 sub-regulation (7), notice of such loss shall be given by the Council in the Gazette and such notice and order for the immediate return of the said permit shall be communicated by the Council to the person 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 disqualified to hold or who forfeits such permit in terms of sub-regulations (7) and (8) if the applicant meets such requirements that the Council may prescribe.

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

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(11) Any permit which has been suspended or withdrawn in accordance with the provisions of this regulation shall be returned to the Council within thirty days from receipt of notice by the Council to that effect.

Saving.

S.L 327.65

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 the National Minimum Conditions (Schools Teaching English as a Foreign Language) Regulations before the entry into force of these regulations shall 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 1 and shall conform to these regulations as the Council shall from time to time prescribe.

Compliance with Schedule 1.

12. All Schools, Home Tuition Providers and Distance Learning Providers, English Language Teachers and ESP Permit holders shall comply with the provisions set out in Schedule 1.

Touristic packages or otherwise.

13. No School or Home Tuition Provider shall provide tuition as part of a 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 shall provide for such person to comply with the relevant parts of Schedule 1 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 shall at least be equivalent to those which the School, or Home Tuition provider himself would take in compliance with these regulations and Schedule 1 had he been providing an all-inclusive package.

Printed, broadcast, or electronic depiction.

14. (1) No person, School, Home Tuition Provider, or Distance Learning Provider shall 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, or Distance Learning unless that School, Home Tuition Provider or Distance Learning Provider is duly licensed.

(2) A School, Home Tuition Provider or Distance Learning Provider shall 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 shall be guilty of an offence and shall, 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).

Offences and compliance.

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, shall be accepted as evidence of the order, notice, decision or other document and of the facts appearing therein, without further proof.

Proof of validity of documents.

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 (€1,165). 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:

Administrative fine.

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.

18. In these regulations, including the Schedules thereto, if there is any conflict between the English and Maltese text, the English text shall prevail.

English text to prevail.

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Revocation of
the National
Minimum
Conditions
(Schools
Teaching
English as a
Foreign
Language)
Regulations.
S.L. 327.65

19. The National Minimum Conditions (Schools Teaching English as a Foreign Language) Regulations are hereby revoked without prejudice to anything done or omitted to be done thereunder.

SCHEDULE 1

PART A - ACADEMIC STAFF

1. Director of Studies

1.1 The head of school or the Distance Learning Provider, as the case may be, shall appoint a Director of Studies to have the overall responsibility for all academic matters. Save for the provisions of paragraph 1.3 of this Part of this Schedule, nothing contained herein shall prohibit the head of school from acting as the Director of Studies.

1.2 A person or persons appointed as Director of Studies shall 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 shall be required to possess the qualifications set out in paragraphs (a)(i), (a)(ii) and (a)(iii) set out hereunder:

(a)(i) an international diploma at post graduate level National Qualifications Framework level 7 or a comparable or higher qualification in ELT of a recognised university or institution plus a minimum of 1,000 contact ELT hours spread over no less than twelve cumulative months; or

(a)(ii) a first degree in English National Qualifications Framework level 6 and an international certificate at National Qualifications Framework level 5 or a comparable or higher qualification in ELT from a recognised university or institution plus a minimum of 1,500 ELT contact hours spread over no less than twelve cumulative months; or

(a)(iii) a post-graduate degree at National Qualifications Framework level 7 in Education, Applied Linguistics, Linguistics with specialisation in ELT and an international certificate at National Qualifications Framework level 5 or a comparable or higher qualification in ELT from a recognised university or institution plus a minimum of 2,000 ELT contact hours spread over no less than twelve cumulative months;

(b) a valid ELT Permit;

(c) a police certificate of good conduct issued within the last month prior to application and again on demand at any

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time throughout the tenure of the post of Director of Studies.

1.4 (a) The Director of Studies of a School shall 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 the non-formal processes.

(b) The Director of Studies of a Distance Learning Provider shall 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) of 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 mutandis*, of a Distance Learning Provider shall 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 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 with the Council on all formal, 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 shall 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 ELT or a comparable or higher qualifications from a recognized institution as approved by the Council;

(c) a minimum of 1000 ELT contact hours in a School spread over no less than twelve 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 delegated authority for 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 shall 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

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formal tuition course syllabi, ELT Practitioner register and student attendance records,

as well as any duty, specified in sub-article 1.4 of Part A of this Schedule, that may be delegated to the School Annexe Manager on a day to day basis.

3. English Language Teachers

3.1 No School shall employ or otherwise engage a person and no persons shall be engaged as English Language Teacher unless they possess the qualifications set out hereunder and are in possession of an ELT Permit.

3.2 In order to qualify for an ELT Permit, a person shall be at least eighteen years of age and shall be required to possess the following qualifications:

(a) 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;

(b)(i) 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

(b)(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;

(c) 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,

and be in possession of a police certificate of good conduct issued within the last month prior to the application and maintain such certification to be provided on demand throughout the tenure of the post of English Language Teacher.

3.3 No School shall employ or otherwise engage persons and no person shall give lessons in English for Specific Purposes unless

they hold a valid ESP Permit issued by the Council. The issuance of such ESP permit is dependent upon evidence that the person applying holds:

- (a) relevant qualifications or relevant experience in the specific field applied for; and
- (b) a police certificate of good conduct issued within the last month prior to application.

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 shall 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 the provisions of regulation 10(6), and to having followed annual programmes of continual professional development (CPD) in English language proficiency and methodology, whereby the programme hours of such CPD amount to thirty-two hours over four consecutive years or to more as the Council may determine from time to time.

3.5 An ESP Permit may be renewed on application subject to the provisions of regulation 10(6), and to having followed annual programmes of continual professional development (CPD) in the specific purpose and in the ESP teaching methodology, whereby the programme hours of such CPD amount to thirty-two hours over four consecutive years or to more hours as the Council may determine from time to time.

4. English Language Teachers Providing Home Tuition

4.1 No person shall in any way indicate or hold himself as a Home Tuition Provider unless that person possesses:

- (a) the qualifications set out in the sub-article 3.2 of this Part of this Schedule;
- (b) an ELT Permit for Home Tuition;
- (c) has 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

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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 twelve 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 therefor, all certified by the Director of Studies of the School in the aforesaid paragraph (d) to the satisfaction of the Council; and

(f) 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.

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

4.3 The Home Tuition Provider shall 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 of the aforesaid, the duties and responsibilities shall 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; and

(h) complying with all applicable laws and regulations, this Schedule, licence conditions, Council rules and any quality assurance measures in force from time to time.

4.4 No Home Tuition Provider shall provide tuition to more than four persons simultaneously or accept and accommodate in his residence at any one time more than four persons and simultaneously provide tuition.

5. English Language Teacher trainers

5.1 No person shall 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 level at National Qualifications Framework level 7 or a comparable or higher qualification in ELT from a recognised university or institution plus a minimum of 1,500 ELT contact hours spread over no less than twelve cumulative months; or

(b)(ii) a first degree in English or in English as a main subject at National Qualifications Framework level 6 and an international certificate at National Qualifications Framework level 5, or a comparable or higher qualification in ELT from a recognised university or institution plus a minimum of 2,000 ELT contact hours spread over no less than twelve cumulative months;

(c) a certificate of participation, within the last three years from the scheduled date of commencement of the training

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course, at periodical continual professional development programmes conducted by international ELT professionals for a minimum of six hours as approved by the Council; or to more hours as the Council may determine from time to time:

Provided the six hours may contribute towards the requisite hours referred to in articles 3.4 and 3.5 of this Part of this Schedule.

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 sub-article 5.1 of this Part 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 shall 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 Teachers Providing Distance Learning

6.1. No person shall 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 sub-article 3.2 of this Part of this Schedule;
- (b) is 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 six cumulative months, certified by the Director of Studies of that School to the satisfaction of the Council.

7. Certificates

7.1 Schools shall, 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 A Home Tuition Provider shall, 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 shall, over the signature of the Director of Studies, issue a certificate of participation at a 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 shall, 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 shall 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 shall be vested collectively in all the persons so appointed and the head of school shall nominate one person in the role of Leader from among such. Save for the provisions of sub-article 1.4 of this Part of this Schedule, nothing contained therein shall prohibit the head of school or the Director of Studies from acting as the said Leader. The Home Tuition Provider shall act as the said Leader and the provisions of this Part of this Schedule shall apply *mutatis mutandis*.

1.2 The said person, whether on his own or collectively with other persons, shall be so nominated on an exclusive basis, and shall only act in such capacity for one school.

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 shall 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 this Schedule, licence conditions, Council rules and quality assurance criteria established by the Council from time to time.

1.4 The appointed person or persons shall be responsible for the day-to-day management and administration of the non-academic services of the School and shall 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

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of the School. Without prejudice to the generality of the foregoing, the duties and responsibilities of the appointed person or persons shall 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 of the foregoing, particular reference to local laws, local customs, general behaviour, respect towards the local community as well as non-formal and informal 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-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 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 of the foregoing, 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, 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 in 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 shall 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 by the Council from time to time;

(q) 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, shall have overall responsibility for all such non-academic services offers, save that when a student over eighteen

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years of age makes arrangements for any of his own non-academic services directly himself, the School or Home Tuition Provider shall be responsible only for the arrangements it is contracted to provide by the student.

3. The said Leader shall ensure the observance by the School of all employment regulations as these affect all employees of the School.

4. A person shall not be appointed and shall 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 the provisions of regulation 10(8) and (9) shall apply *mutatis mutandis* to any such disqualified person.

5. The head of school shall immediately take action and notify the Council in writing of any occurrence in terms article 4 of this Part of this Schedule.

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

1. No person shall 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 this Part of this Schedule.

2. The School Premises shall 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 shall 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 shall be complementary to the School Premises to accommodate students beyond that determined by the School Premises and shall provide for classrooms, adequate and accessible common spaces for the assembly, relaxation and social interaction of students and sanitary facilities that comprehensively shall 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 shall:

- (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 a health and safety and fire risk assessment certificate that is regularly updated and as recommended by the Occupational Health and Safety Authority;
- (i) provide for the purview of food and drinks.

5. Classrooms and other areas

5.1 Classrooms shall:

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(a) be of such dimensions that represents a minimum of 1.75 square metres per student;

(b) be well ventilated, lit and aired and protected from heat, cold and humidity, with at least half of the classrooms being naturally lit;

(c) accommodate a maximum number of students that shall 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 shall be in a good state of repair and shall allow 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 shall be large enough for the maximum number of students in the classroom and positioned in a way that ensures easy vision by all students;

5.2 Indoor common spaces for the assembly, relaxation and social interaction of students shall be appropriately furnished and decorated and shall adequately provide facilities for ventilation and the accommodation and refreshment of all students during break-times and access for students between classrooms.

5.3. Outdoor common spaces for the assembly, relaxation and social interaction of students shall 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 shall be such as to minimise noise and disturbance to third parties when in use.

5.4 Toilet and sanitary facilities shall be required to be approved by the competent health authorities. Such facilities shall 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 shall have their own separate toilet and sanitary facilities. All toilet and sanitary facilities shall be clean, hygienic and maintained.

5.5. The premises for the provision of Home Tuition shall be the duly licensed regular residence of the Home Tuition Provider and shall 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.

5.6 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, shall:

(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 other disturbances, and with a layout that minimizes 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;

(i) have a Health and Safety and fire risk assessment certificate that is regularly updated and as recommended by the Occupational Health and Safety Authority;

(j) provide for the supply of the students' need of fresh potable water.

PART D - DISTANCE LEARNING PROVIDERS

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1. The Distance Learning Provider shall 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) recording the electronic communication hours;

(e) protection of the privacy of the student and teacher;

(f) prevention against identity fraud;

(g) assurance of the security of the services provided;

(h) recording of the electronic communication hours of a student;

(i) monitoring of the performance of each student, and of the teachers.

2. The Director of Studies of a Distance Learning Provider shall, in addition to the requirements set out in sub-article 1.4 of Part A of this Schedule, be responsible for:

(a) the development and supervision of the Distance Learning Programmes and any student assessment thereto;

(b) the application of suitable modern technologies;

(c) the creation of a suitable environment for the implementation of the Distance Learning Programme;

(d) the development of skills of the English Language Teachers providing Distance Learning teaching in the field of education technology and development of electronic curricula with the provision of technical support, timely feedback of the English Language Teachers providing Distance Learning to the students 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 time-frame is not applicable on week-ends and on listed public holidays.

SCHEDULE 2

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 licence	200
For a School licence renewal	100 - 400**
For a new Annexe licence	100
For an Annexe license renewal	200*
For a new Distance Learning Provider licence	100
For a renewal of Distance Learning Provider licence	100*
For a new Home Tuition Provider licence	100
For a renewal of Home Tuition Provider licence	100*

* Payable on every application of renewal.

** Varies according 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 12,000 student weeks in the preceding year) pay €300.

Category D Schools (more than 12,000 student weeks in the preceding year) pay €400

