



National Commission for
**Further and
Higher Education**
Malta

NCFHE COMMUNICATION
ACC/02/2017

Title: Amendments to Communication No: 4/2016:
Compliance with Regulations on Use of Venue for Provider Accreditation

From: NCFHE

Date: 13/04/2017

These regulations will come into force with immediate effect. In the case of providers who are in possession of a licence or have already started the process of accreditation, these regulations will come into force within one year of publication.

Dear Colleagues,

Reference is made to Regulation 9 (6) of S.L 327.433:

The Commission shall make and publish guidelines to establish such information to be supplied annually by licensees:

Provided that, by means of such guidelines, the Commission may establish different information requirements for different categories of licensees referred to in the Second Schedule.

and to Regulation 11 (1) (d):

the Commission may also refuse to issue, renew, change or extend a licence if it is satisfied that: (...)

[iii] the provider uses or proposes to use its premises in contravention of applicable development and planning regulations or for any purposes which are in any way improper, unethical or unlawful.

To streamline and facilitate the process of provider accreditation and the process of licensing for entities that do not have a fixed venue because of the nature of their provision, the NCFHE is issuing the following regulations with respect to the compliance of regulation for use of venue.

The NCFHE distinguishes between:

- **internal provision:** regular provision within approved premises;
- **external provision:** provision that takes place exclusively or for a significant proportion in the open air due to the nature of the provision itself;
- **home provision:** provision that takes place at the provider's home due to specific circumstances approved on a case-by-case basis by the NCFHE;
- **overseas provision:** provisions that take place outside Malta;
- **digital provision:** provisions that are provided through digital channels.

A. Internal provision

The provider must provide NCFHE with:

1. A declaration by a warranted Health and Safety Officer that the venue is free from hazards to safety and to good health.
2. A declaration by a warranted Perit that the teaching venue is in full compliance with all the building regulations, applicable laws and regulations, Commission rules and Quality Assurance measures in force at the time of application including the following requirements;
 - a. Lecture rooms with independent access that are: conducive to learning, reasonably free from noise and odour pollution, and with a layout that minimises disturbance, discomfort and danger to the users;
 - b. Lecture rooms with dimensions that represent a minimum of 1m² per student;
 - c. Lecture rooms that are well ventilated, lit, aired, and protected from heat, cold and humidity;
 - d. A layout that allows easy flow of students at peak and emergency times.

3. If the above conditions are not met, the provider must:
 - a. In the case that the venue does not reach the required building standards, there should be a submission by the warranted Perit that MEPA has issued a development permit to meet the requirements specified above. This submission should include a timeframe within which such development must be completed and an action plan, drawn by the provider, clearly identifying specific targets and completion deadlines that are to be met.
 - b. In the case that the Health and Safety declaration does not meet full compliance, there should be a submission by the provider of a development plan to meet the required standards within a timeframe together with an action plan clearly identifying specific targets and completion deadlines that are to be met. This submission should include a declaration by a warranted Health and Safety officer that, at the time of development, the venue could still be used for tuition purposes.
4. In both part-time and full-time tuition, the venue must have facilities to serve the day-to-day student and management needs, provide lecture rooms, adequate and accessible common spaces for the assembly, and sanitary facilities that comprehensively shall determine the maximum number of students that are accepted by the institution at any one time. It should also have offices for the persons appointed to manage the non-academic services and rooms or appropriate spaces for teachers and students, resources, library (including physical and electronic resources), self-access internet, and administrative staff. In the case of full time tuition, the venue must also have common spaces for relaxation and social interaction of students.
5. If the tuition includes minors, then the latest National Minimum Conditions for schools (SL 327.12 as amended) apply.
6. Sports grounds should be considered venues for internal provisions.
7. Licensed schools, hospitals, old people's homes, sports venues and hotels are deemed to be fit for purpose for regular tuition. In such cases applicants need only submit a letter of authorisation from the hosting venue. The NCFHE shall have the power to decide whether a particular venue is fit for purpose for the particular proposed tuition. In any case, the NCFHE may request such declarations by the specific warranted professionals as necessary as part of its due diligence.

8. In the case where the courses provided require that specific practical assignments are held, such as hospitals, laboratories or clinics, the provider must provide certification that the venues to be used are in full compliance with the standards that the specific profession and level requires.
9. Any venue that is subject to criminal investigation or MEPA regulatory action is disqualified as an eligible venue for accredited provision.

B. External provision

The provider must provide NCFHE with:

1. A declaration by a warranted Health and Safety officer that the venue is fit for purpose.
2. If the venue does not meet the required standards, there should be a submission by the provider of an action plan clearly identifying specific targets and completion deadlines. This submission should be accompanied by a declaration by a warranted Health and Safety officer that, at the time of development, the venue could still be used for tuition purposes.

However, if the venue is already covered by a MEPA permit for this use, the venue is treated as with internal provision

C. Home provision

The provider must provide NCFHE with:

1. A declaration by a warranted Health and Safety officer that the venue satisfies the Health and Safety requirements is required every two years. This report is carried out at the expense of the applicant. If the venue is not fully compliant, it must be accompanied by an action plan drawn by the provider which clearly identifies specific recommendations and completion deadlines that are to be met.
2. Provider licences with home provision shall have a limit on the number of learners at any one time on the premises, which shall be determined by the size of the room used for tuition. This must have a minimum of two (2) square meters of space per learner, and shall not accommodate more than 10 learners at any one time.

D. Overseas Provision

1. *In addition to the above conditions*, the provider must also submit a certificate issued by the relevant authority that the overseas provision is in full compliance with the legal requirements of the country where the provision would be taking place.

E. Digital Provision

1. The provider should submit the following:
 - a. Domain name (URL) to be submitted to NCFHE;
 - b. IT plan describing the server infrastructure, service-provider, venue, off-site backup procedures & continuity of service arrangements, an effective system of identity verification and disaster recovery plan. The plan should also provide the infrastructure in terms of human resources needed to run the system where applicable;
 - c. A plan to maintain, retain and archive student records including admission records, student details, proof of assessment, recording of electronic communication hours and any formal recognition process information physically located in Malta for 40 years;
 - d. The system in place dealing with student grievances;
 - e. If any agreement is in place with a local partner the terms of the agreements are to be submitted to the NCFHE.

Regards,

Head of Accreditation