



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

NCFHE COMMUNICATION
ACC/04/2016

Title: Amendments to Communication No: 3/2015 –
Compliance with Regulations on Use of Venue for Provider
Accreditation

From: Head, Accreditation Unit, NCFHE

Date: 28/04/2016

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 the process of provider accreditation, and especially to facilitate the process of approval 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, e.g. scuba diving, abseiling, camping, fire-fighting, etc.
- 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: e.g. teaching of music or academic subjects to small groups, etc.

A. Internal provision

1. A MEPA compliance certificate is required; OR
documentation from MEPA confirming that the premises is in compliance with regulations for the purposes of tuition, OR
Confirmation that MEPA has agreed on issuing a Development permit specifying the timeframe within which such development must be completed. The MEPA 'Full Development Permission' must be accompanied by an action plan, drawn by the provider, clearly identifying specific targets and completion deadlines.
2. If the tuition includes minors, then the National Minimum Conditions for schools (1994) apply.
If the premises are old and cannot have MEPA documentation as per the point above, a health and safety report that includes sanitation and fire safety is required every two years. The reports must be accompanied by an action plan, drawn by the provider, clearly identifying how they are going to address recommendations highlighted in the commissioned reports [if any] and completion deadlines.
3. This report is carried out at the expense of the applicant. In such cases, the licence issued would be valid for two years, and the licence fee, which normally covers accreditation for five years, is calculated pro-rata.
4. Sports grounds are considered venues for internal provision.

5. Local councils, licensed schools including English language schools, functioning sports venues, functioning religious venues (youth centres, church halls etc.) and functioning hotels are deemed to be fit for purpose for regular tuition that would normally be held in such venues. Applicants need only 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 a MEPA compliance certificate as part of its due diligence.
6. Any venue that is subject to criminal investigation or MEPA regulatory action is disqualified as an eligible venue for accredited provision.

B. External provision

1. A health and safety report is required for every external venue used. This report is carried out at the expense of the applicant and must be accompanied by an action plan, drawn by the provider, clearly identifying specific recommendations and completion deadlines. In such cases the licence issued would be valid for two years, and the licence fee, which normally covers accreditation for five years, is calculated pro-rata.
2. 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

1. A health and safety report that includes sanitation and fire safety is required every two years. This report is carried out at the expense of the applicant and must be accompanied by an action plan, drawn by the provider, clearly identifying specific recommendations and completion deadlines. In this case the licence issued would be valid for two years, and the licence fee, which normally covers accreditation for five years, is calculated pro-rata.
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.

These regulations come into force with immediate effect.

Regards

Head, Accreditation Unit