

## MFHEA COMMUNICATION MFHEA/07/2021

**Title:** Schedule of fines

**From:** CEO, MFHEA

**Date:** 24/09/2021

As per regulation 5 of S.L. 607.03 the Malta Further Higher Education Authority (MFHEA) is empowered to impose administrative fines up to €4000 for breaches of regulations and guidelines issued by the Authority under S.L. 607.03 and the possibility of additional fines of €116.47 for each day during which the offence continues.

The MFHEA is bound by regulation 5A how to issue and impose the above mentioned administrative penalties. Such penalties will be considered as civil debt.

The below table outlines breaches and the fine attached to each breach.

Breach type	Penalty
Licence number and category under which the provider is licensed is not stated in the media, advertising, published material or promotional material to intending students, students, parents or the public;	€100 - €250 + daily fine of €25
The category or licence number under which the provider is licensed stated in the media, advertising, published material or promotional material to intending students, students, parents or the public, is different than that found in the licence. A case in point is when a provider is a higher education institution but is purporting to be a university;	€200 - €500 + daily fine of €50
The name of the programme and/or the MQF level or its comparable EQF level and/or the number of ECTS's is absent or not clear in the media, advertising, published material or promotional material to intending students, students, parents or the public;	€100 - €250 + daily fine of €25
Advert/s and student information given by the provider has not been carried out with accuracy and integrity;	€200 - €500 + daily fine of €50

**Malta Further and Higher Education Authority (MFHEA)**

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The certificate, and if applicable, the related degree or diploma supplements issued by the provider to the successful students is not in line with the requirements of the guidelines or communications issued.	€200 - €500 + daily fine of €50
There is the unauthorised use of the MFHEA logo and name on printed, published and/or disseminated by a provider or an unlicensed institution who might or might not be in the process of obtaining a licence. This excludes the use of MFHEA logo on certificates for programmes accredited by MFHEA. <sup>1</sup>	€1000-€2000 + daily fine of €115
Adverts or any kind of publicity gives the impression, by omission or proximity, that a programme is accredited or recognised by the MFHEA when it is not.	€1000-€2000 + daily fine of €115
The provider is accepting participants who do not have the minimum requirements as stated in the approved final course description for the home grown programmes , or as per the entry requirements as requested by the Awarding body in case of a programme accredited abroad and recognised by the MFHEA.	€200 - €500 + daily fine of €50
The provider has made changes to the programme (e.g. methods of assessment) and the changes have not been approved by the MFHEA.	€1000-€2500 + daily fine of €115
The provider is allowing the delivery of the programme by persons who do not have the level of qualification and/or experience necessary to teach at that particular level, as approved by MFHEA at programme accreditation stage according to MFHEA policy or as approved by the foreign Awarding body in case of foreign accredited programmes .	€1000-€2000 + daily fine of €115
The provider is advertising and/or offering programmes which are not in the licence and which are/ are not in the process of being accredited by MFHEA. Programmes which are in the process of being accredited were not indicated as such.	€1000-€2000 + daily fine of €115
The provider is delivering accredited programmes from a venue which is not approved in the licence.	€1500-€2500 + daily fine of €115
A local provider that is accredited by an accreditation body is not respecting the operational and certification end date prescribed by the respective accredited body.	€500-€1000 + Daily fine of €100
The provider is advertising full-time courses which have been approved by MFHEA, as part-time courses or vice versa.	€1000-€2000 + daily fine of €115
The provider is operating with an expired licence.	€2000-€3000+ daily fine of €115
Licensee fails to inform MFHEA of any change in the administration of the institution.	€1000-€2000 + daily fine of €115
Licensee does not have licence affixed in a clear visible place at the place licensed to operate.	€500-€1000 + Daily fine of €50

<sup>1</sup> This will become in vigore on the 1st January 2022

Recruitment of students is carried in an unethical and irresponsible manner.	€2000-€3000+ daily fine of €115
Unreasonable payments requested at application stage.	€2000-€3000+ daily fine of €115
No student agreement is signed or agreement does not adhere to the requirements requested by law or the Authority's guidelines.	€500-€3000
Licensee enrolls third country students who are not in possession of a visa or changes commencement date of course or allow student to suspend studies for reasons not considered as exceptional or illness.	€2000-€3000
Institutions do not keep the necessary data such as students academic data and attendance or other relevant information as requested by regulation 25 of S.L. 607.03	€1000-€2000
Licensed institutions do not provide information and data as requested by the MFHEA or the information provided is not factual and accurate.	€ 500-€1000 + Daily fine of €25
Licensed institutions do not have an operative website. <sup>2</sup>	€1000-€2000
URL of website is not the one provided by institution and/or listed on the licence <sup>3</sup> .	€1000-€2000
Information on websites or any other social media or publication is not in line with Communication No.	€250-€1000

The Authority reserves the right to amend the above table without any pre-advise.

## Procedure

1. Authority detects a possible breach and investigates through compliance Unit.
2. If Compliance Unit confirms that there is a breach, a letter is sent to the relative institution indicating the breach, instruct the remedy and give a period of time in which the institution is allowed to remedy the breach.
3. If the breach is properly addressed the case is considered as closed and institution should be notified.
4. If it is decided that the breach has not been properly addressed, the Compliance Unit should follow the process established under regulation 5A of S.L. 607.03.
5. If breach is still not remedied, fine can become final in line with regulation 5(a) (4).
6. If an institution feels aggrieved by the imposition of the fine, it may apply for a review of the decision. Submissions shall be made in writing.

<sup>2</sup> This will become in vigore as from the 1st January 2022

<sup>3</sup> This will become in vigore as from the 1st January 2022

- 7.** A fee amounting to 5% of the fine imposed is to be paid with the review submission, provided that the minimum fee is of €50.
  - 8.** A review board shall be appointed. It is to be made up of 3 persons, of at least managerial scale, one of whom shall be the CEO.
  - 9.** The Review Board shall decide on the written submissions and pass on for the final decision.
  - 10.** This fee shall be refunded if the review Board overturns the decision. It may also be refunded if the review Boards decides so.
  - 11.** Fines which are confirmed and not paid within 30 days will be considered as civil debt in line with regulation 5(A)(7).
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