

L.N. 347 of 2005

**EMPLOYMENT AND TRAINING SERVICES ACT
(CAP. 343)**

Malta Qualifications Council Regulations, 2005

IN exercise of the powers conferred by article 41 of the Employment and Training Services Act, the Minister of Education, Youth and Employment has made the following regulations:

1. (1) The title of these regulations may be cited as the Malta Qualifications Council Regulations, 2005. Citation and coming into force.

(2) These regulations shall come in force on a date to be established by the Minister responsible for Education.

2. In these regulations, unless the context otherwise requires: Interpretation.

“the Act” means the Employment and Training Services Act; “the Council” means the Malta Qualifications Council established by regulation 4;

“the Minister” means the Minister responsible for education;

“public officer” has the same meaning assigned to it by article 124 of the Constitution;

“qualifications” means a formal expression of knowledge, skills and competences of the individual, and they confer official recognition of value in the labour market and in further education and training;

“standard” shall have the same meaning assigned to it by Article 2 of the Malta Standards Authority Act and standards of knowledge, skills and competence shall be construed accordingly; Cap. 419

“technical advisor” means a person, or education and training institution, or an industrial or commercial establishment that provides technical advice to the Council as defined by regulation 9;

“training agency” means any approved institution or body corporate that provides services of a training or educational

nature that lead to the attainment of professional or vocational qualifications within the National Qualifications Framework as provided in regulation 11.

Malta
Qualifications
Council.

3. There shall be a Council, to be called the Malta Qualifications Council, having such functions as set out in these regulations.

Constitution of
The Council.

4. (1) The Council shall consist of nine members appointed by the Minister and shall be composed as follows:

(a) a chairperson with relevant experience;

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(b) the person designated as the Mutual Recognition Coordinator under article 5 of the Mutual Recognition of Qualifications Act;

(c) a person from amongst public officers or government experts involved in the economic planning and development of the country;

(d) a person from amongst officials involved in standard setting and quality assurance in education;

(e) three persons to represent the interests of education and training providers and awarding bodies;

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(f) two persons, to be nominated by the Malta Council for Economic and Social Development, one representing employers' organizations and one representing trade unions.

(2) The Council members shall be appointed for a period not exceeding three years and each member may be eligible for re-appointment.

(3) The Council shall meet as often as may be necessary or expedient and the quorum shall be five members, including the chairperson of the Council.

(4) In the absence of consensus, decisions of the Council shall be taken by a majority of votes of the members present and voting; in the case of an equality of votes, the chairperson of the Council shall exercise a casting vote.

(5) Any vacancy among members of the Council shall not invalidate the proceedings of the Council.

5. The overall objective of the Council shall be:

(1) to steer the development of the National Qualifications Framework referred to in regulation 11 and to oversee the training and certification leading to qualifications within the Framework and which is not already provided for at compulsory education institutions or degree awarding bodies.

(2) The Council will also:

(a) establish and maintain a qualifications framework for the development, accreditation and award of professional and vocational qualifications, other than degrees, based on standards of knowledge, skills, competences and attitudes to be acquired by learners;

(b) promote and facilitate life-long learning access, transfer and progression;

(c) foster the recognition abroad of professional and vocational certificates awarded in Malta under these regulations.

6. (1) The functions of the Council shall be to do all things necessary or expedient in accordance with these regulations to further the objectives of the Council.

Functions of the Council.

(2) Without prejudice to the generality of sub-regulation (1) of this regulation, the Council shall:

(a) promote and maintain the National Qualifications Framework and establish the policies and criteria on which the Framework shall be based;

(b) approve and ensure the publication of national standards of knowledge, skills, competences and attitudes for each development sector;

(c) endorse and ensure the publication of the procedures to be implemented by training agencies offering programmes of education and training for access, transfer and progression;

(d) ensure that such standards and procedures as are referred to in these regulations are implemented;

(e) endorse vocational education and training programmes delivered by training agencies;

- (f) endorse certificates awarded by training agencies;
- (g) keep and issue official records of certificates awarded;
- (h) regulate the appointment of technical advisors appointed by Council; and
- (i) perform such other functions as the Minister may advise from time to time.

(3) In the exercise of its functions the Council shall ensure full and proper consultation with the authorities and training agencies responsible for professional, vocational and further education and training and with the authorities responsible for the issue of trade licenses.

(4) The publication of standards and procedures referred to in this regulation shall be in such form and manner as the Council may prescribe.

(5) In the exercise of its functions as well as in the implementation of the relevant standards and procedures, the Council shall ensure adequate communication, transparency, consistency and fairness.

7. (1) There shall be a Secretariat to provide the general administrative services to the Council.

Council
Secretariat.

- (2) The functions of the Secretariat shall be -
 - (a) to co-ordinate the work of Council and keep record of all meetings;
 - (b) to co-ordinate the work of the Technical Advisors;
 - (c) to maintain a database of national standards of professional and vocational competencies at specific levels;
 - (d) to maintain a national database of persons awarded certificates endorsed by the Council;
 - (e) to disseminate information on qualifications and certification to all stakeholders and the public in general.

8. (1) The Council shall appoint a Chief Executive Officer for an initial period of five years renewable thereafter for other periods as the Council may decide.

The Chief Executive Officer.

(2) The Chief Executive Officer shall be responsible for the day-to-day management of the Council, and shall provide appropriate support for its meetings and shall implement its decisions.

(3) The Chief Executive Officer shall attend the meetings of the Council but shall not have a right to vote. During discussions on matters that may affect her or his contractual relationship with the Council, the Chief Executive Officer shall withdraw from the relative discussion in Council.

(4) The Council shall be legally represented by the Chairperson or the Chief Executive Officer, or by any other official as the Council may, from time to time, decide.

9. (1) There shall be established by Council, a list of technical advisors on standards and qualifications and on assessment and accreditation from amongst qualified and experienced persons who are rendering services to leading teaching and training institutions, or to industrial and commercial economic sectors, to professional bodies or to other entities, and who are competent in the areas of competence to be developed and to be kept under review.

Technical Advisors.

(2) The technical advisors shall be engaged by Council on a temporary basis for specific projects in order to:

(a) advise Council on standards and assessment guidelines and instruments, on proposed learning material and awarding bodies, on professional development, and on the accreditation and review of qualifications;

(b) submit to Council for approval, appropriate standards, assessment guidelines and qualifications and reports related to paragraph 2(a) of this regulation ;

(c) organize, through the Secretariat of the Council, regular consultative sessions with representatives of education and training institutions, established sectors in industry, and interested social partners with the aim of ensuring relevance, employability, quality and international recognition.

10. (1) The Council shall, from time to time, publish a list of training programmes, training agencies, and education institutions

Publishing of lists.

having standards, qualifications and assessment guidelines recognized under these regulations.

(2) Certificates awarded by programmes, agencies and institutions referred to in the preceding paragraph of this regulation shall be endorsed by the Council provided that such programmes, agencies and institutions conform with the standards, qualifications and assessment guidelines established by the Council.

Qualifications
Framework.

11. (1) There shall be a National Qualifications Framework approved by the Council with the accompanying Standards, Learning Pathways and Quality Assurance procedures.

(2) In classifying qualifications and national standards of knowledge skills, competences and attitudes, the Council shall be guided by eight levels of qualifications and competence as indicated in the Schedule to these regulations, describing the levels of qualifications and competences needed to access further study and training and to perform work at a specific level.

Inapplicability
of regulations

12. The Council shall not have the power to grant warrants, licences or registrations of professions and occupations provided for under any other law.

Deletes L.N. 215
of 2000

13. The Malta Professional and Vocational Qualifications Regulations, 2000 are hereby deleted.

**SCHEDULE
(Regulation 11(2))**

QUALIFICATIONS AND COMPETENCES LEVELS

Level 1

The holder of a qualification at this level will be able to further learning opportunities and to gain access to unskilled employment that may include a further element of training. This level is often the entry point to a lifelong pathway for people with no qualifications. Learning is normally developed during compulsory education and contributes to general education but is also achieved through adult learning programmes and through non-formal and informal learning opportunities.

Level 2

The holder of a qualification at this level will be able to enter into qualification-based training programmes and to gain access to unskilled employment that may include a further element of training. This level can also be the entry point to lifelong learning pathway. Learning at this level is formally acquired during compulsory education and can include an induction to work. The achievement of qualifications at this level may be regarded as the end of compulsory education.

Level 3

The holder of a qualification at this level will be able to gain access to semi-skilled employment, further training and higher education. Level 3 achievements reflect formal learning in part of upper secondary or adult education in schools, colleges, training centres or learning in workplaces. It also reflects non-formal learning through work and basic training in an occupational field. This level can be a key stage in a lifelong education pathway.

Level 4

The holder of a qualification at this level will be able to obtain routes to further learning and to employment in skilled work that can be performed independently and entail supervisory and coordination duties. This level of qualification also supports further specialized training for those seeking job enhancement. Level 4 achievement typically reflects completion of upper secondary education and some formal learning in post compulsory education, adult education including labour market training.

Level 5

The holder of a qualification at this level will be able to gain access to higher education programmes at Level 6, to employment in highly skilled work or to career progression through improved recognition of work capabilities. Qualifications at level 5 typically follows completion of a post secondary learning programme, such as apprenticeship together with post programme experience in a related field. High grade technicians and managers achieve these qualifications that often bridge secondary with tertiary education and training. Higher education

qualifications at this level are associated with the ‘short-cycle’ [within the first cycle] of qualifications in the framework developed under the Bologna process.

Level 6

The holder of a qualification at this level will be able to gain access to professional employment opportunities and are often career entry qualifications for professional and managerial work. Level 6 qualifications are associated with the first cycle of qualifications in higher education and provide access to further learning opportunities in higher education.

Level 7

The holder of a qualification at this level will be able to gain access to employment and to career progression within the specialist field. Level 7 qualifications are associated with the second cycle of qualifications in higher education.

Level 8

The holder of a qualification at this level will be able to have access to employment in specialized fields and career progression for those involved in jobs requiring research skills, scholarly work and leadership. Level 8 qualifications are associated with the third cycle of qualifications in higher education.