



COMMUNITY DEVELOPMENT PROFESSION ACT

To make provision for the regulation of the community development profession and to provide for matters connected therewith or ancillary thereto.

1. The short title of this Act is the Community Development Practitioner Profession Act.

2. In this Act, unless the context otherwise requires:

"adaptation period" means a period during which a person may exercise the profession of community development in Malta under the supervision of a registered community development practitioner, which period may include the provision of such further training to such person, as may be required by the Board at the end of which an assessment shall be carried out;

"the Board" means the Community Development Profession Board established by article 4;

"the Minister" refers to the Minister for the Family, Children's Rights and Social Solidarity;

"to practice", in relation to the profession of community development work, includes:

- (a) the taking up or pursuit of the profession of community development work; and
- (b) the use, in the course of such pursuit, of the professional title of "Registered Community Development Practitioner" or the designatory letters "RCDP", or the professional title of "Community Development Practitioner" followed by the warrant number.

"prescribed" means prescribed by regulations made by the Minister under this Act;

"proficiency test" means a test having the aim of assessing a person's ability to pursue the profession of community development work in Malta, as may be required by the Board in accordance with the provisions of this Act;

"recognised honours degree" means such honours degree in youth and community studies; honours degree in social work and social policy; honours degree in health and social care management as may be prescribed for the purpose of article 3(3)(e);

"registered community development practitioner" or "community development practitioner" means a person who is registered in the official register of community development practitioners kept by the Board and who has been granted a warrant to practice the profession of community development practitioner, in accordance with article 6;

"Tribunal" means the Administrative Review Tribunal established by article 5(1) of the Administrative Justice Act;

"warrant" means a warrant issued under article 6;

"community development work" in Malta is a practice based profession and an academic discipline that promotes participative democracy, sustainable development, rights, economic opportunity, equality and social justice, through the organization, education and empowerment of people within their communities, whether these be of locality, identity or interest, in urban or rural settings.

Community development practitioners engage with people, organisations and institutions within their communities, including the voluntary sector and support them in realising their potential and address life's challenges critically and creatively to bring about social change.

3.(1) No person shall hold himself out to be a professional community development practitioner or exercise the profession of a community development

or authorised to work in Malta;

- (b) is of good conduct;
- (c) is registered in the Register of Community development practitioners referred to in article 5(1)(d);
- (d) is not registered in the Register established under the Protection of Minors (Registration) Act;
- (e) is in possession of the Honours Degree in Youth and Community Studies conferred by the University of Malta, or an Honours Degree in Social Work or Social Policy conferred by the University of Malta, or is in possession of an Honours Degree in Health and Social Care (management) conferred by MCAST or a Masters in Community Action and Development conferred by the University of Malta, or a Masters in Youth and Community Studies or a PhD in Community Development or of another professional qualification recognised as equivalent for the purpose by a Member State, obtained from a university or college:

Provided that in respect of applicants coming from third countries whose qualifications have not been recognised in a Member State, the Board may, in respect of such qualifications, require the applicant to sit for and pass a professional proficiency test;

- (f) satisfies the Board that they have received adequate experience in the practice of the profession of community development practitioner for an aggregate period of at least two years full-time or its equivalent on a part-time basis following the completion of such degree or such other professional qualification.

(4) The Minister may prescribe, together with the minimum requirements established under the foregoing provisions of this article, other minimum requirements in terms of any international or multinational treaty or agreement entered into by Malta or with the provisions of any legislation the binding force of which derives from any such treaty or agreement.

(5) Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, where the duration of a course leading to the professional qualification possessed by an applicant is less than the duration of the course leading to the Degree conferred by the University of Malta or MCAST or when the experience referred to in sub-article (3)(f) is less than two years, the Board may require the applicant to undertake such adaptation period not exceeding twice the shortfall, as the Board may specify. In addition the Board may also submit the applicant to a proficiency test.

4.(1) There shall be a Community Development Work Profession Board which shall consist of five members:

- (a) Three appointed by the Minister as follows:
 - (i) one shall be a chairperson who shall be of recognised standing in community development work;

- (ii) two members who have a background in community development, the community development profession, or any other background which may contribute towards the furtherance of the profession of community development work; and
 - (b) one member nominated by such associations registered with the Board; and
 - (c) one member nominated from amongst the permanent academic staff responsible for education and training relating to community development work at the University of Malta or MCAST:
- (2) The nominations made in terms of paragraph (b) shall, for the first time, be made within two weeks from a request in writing made therefor by the Minister, and for any subsequent nomination, within one month from the occurrence of any vacancy or when the vacancy arises due to the expiry of the term of office, within one month prior to the said expiry. In the absence of any such nomination, the Minister shall make the appointment from amongst community development practitioners.
- (3) Members of the Board shall hold office for a term of two years
- (4) Provided that the term of office for the first members of the Board appointed under sub-article (1)(a), (b) and (c) shall be of three years, and the second or any subsequent appointment made on the lapse of this initial term shall be for a term of two years.
- (5) Members of the Board shall, on the expiration of their term of office, be eligible to be re-appointed, but they may not serve the Board for more than three consecutive terms.

In the event that any Board member vacates their office before completing the appointed term, the person appointed instead will be appointed for the remaining

(12) The Board shall keep a true and correct record of all its proceedings and the Board shall give to the Minister such information as he may require.

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5. (1) Without prejudice to its other powers and functions, the purpose of the Board shall regulate the practice and the eligibility to practice the profession of community development in Malta, and in particular to:

- (a) establish and, where necessary, assess existing community development work standards and practice develop new continuous professional development opportunities and other standards in community development, and recommend to the Minister in relation to initial and continuing community development education, proficiency, experience and other qualifications required for holding a warrant under this Act;
- (b) consider, process and make recommendations to the Minister with regard to applications for equivalence and recognition of qualifications in community development;
- (c) examine applications for a warrant to practice the profession of community development in Malta and make recommendations to the Minister on the award or refusal thereof;
- (d) keep an official register of all registered community development practitioners;
- (e) keep an official register of all associations and partnerships of community development practitioners;
- (f) keep such information as may be required in relation to associations representing community development practitioners in Malta, registered under the provisions of this Act;
- (g) make recommendations to the Minister on the Code of Ethics to be prescribed for the professional behaviour of community development practitioners, following consultation with the associations and partnerships registered under the provisions of this Act;
- (h) inquire into any allegation of professional misconduct, gross negligence or incompetence by a community development practitioner;
- (i) advise, or make recommendations or otherwise express its views to the Minister on any matter on which the Minister is to consult with the Board or on which the Board is to make recommendations to the Minister or on which the opinion or recommendation of the Board is sought by the Minister;
- (j) make recommendations to the Minister to prescribe in relation to the employment of persons who are in possession of a recognised honours degree or its equivalent but who do not qualify for a warrant under this Act, and who are working under the supervision of a registered community development

- practitioner in such establishments or agencies as may be prescribed;
- (k) perform such other functions as may arise from this Act or any other law, or as may be assigned to it by the Minister.
 - (2) The Board shall, not later than three months after the end of each year, publish in the Gazette a list of persons who on the 31st December of the said year, were registered in the official register of community development practitioners, and a list of associations and partnerships registered in the official register of associations and partnerships of community development practitioners.
 - (3) The Board shall draw up and publish an annual report concerning its general operations.
6. (1) Any person seeking to obtain a warrant to practice the profession of community development in Malta shall make an application to the Board.
- (2) If the Board is satisfied that the applicant meets the minimum requirements established under this Act, it shall make a recommendation to the Minister for the issue of a warrant.
 - (3) Where, following an adaptation period where necessary, the Board is satisfied that the applicant has successfully completed his training, the Board shall make a recommendation to the Minister for the issue of a warrant.
 - (4) For the purpose of establishing whether an applicant has successfully completed his training as aforesaid, the Board may submit the applicant to a proficiency test under the provisions of this Act.
 - (5) A warrant issued by the Minister under this Act may be issued subject to such limitations or conditions as the Board may recommend in any particular case. Such warrant may include the area of specialised community development in which the warrant holder may practice and may include such special conditions for such specific periods as the Board may recommend in accordance with the provisions of this Act and any regulations made

holder shall be considered suspended until such time as he proves to the satisfaction of the Board that they meet the requirements that may be prescribed.

7. The Board shall consider and make its recommendations on an application for a warrant to practice the profession of community development as soon as is reasonably practicable but in no case later than four months from the receipt of the application together with all the relevant information and documentation in support of the application. On making its recommendations to the Minister, the Board shall concurrently notify the applicant of its recommendations, together with the reasons upon which these were based.

8. (1) It shall be the responsibility of every community development practitioner, except those employed on an exclusive basis by a Government Department or Agency, or other entity in the community development field to be adequately insured against all risks of professional liability during the time they are exercising their profession. The insurance company providing such insurance shall each year issue a certificate to the community development practitioner attesting that they are covered in terms of this sub- article.

(2) A community development practitioner may apply to the Board to exempt them from the provisions of sub-article (1) for any particular calendar year.

(3) The Minister may, after consulting the Board, make regulations -

(a) to specify the criteria which insurance companies shall take into account when providing the cover referred to in sub-article (1), and

(b) to indicate the cases where and the conditions under which the Board may exempt community development practitioners from the provisions of sub-article (1).

(4) A warrant holder shall not practice the profession of community development work in terms of this Act unless he has submitted to the Board proof that they have adequate insurance cover for professional liability or that they are otherwise exempt from such an obligation in accordance with the provisions of this article.

9. (1) A person shall not be qualified to obtain or shall not retain a warrant in terms of this Act if he has been convicted by any competent court for any crime.

(2) Where a person loses his warrant following a conviction as is referred to in the preceding sub-article, notice of such loss shall be given by the Minister in the Gazette and shall be communicated by the Board to the person disqualified unless the person has been interdicted by the judgement itself.

(3) The Minister may, at any time, on the recommendation of the Board, reinstate a person who has lost his warrant or grant a warrant to a person who is disqualified in terms of sub-article (1).

10. (1) The Board shall inquire into any alleged professional misconduct, gross negligence or incompetence in relation to a community development practitioner.

(2) For the purposes of this article, the terms "professional misconduct", "gross negligence", or "incompetence", include the following:

- (a) obtaining a warrant in a deceitful or fraudulent manner;
- (b) contravention against the Code of Ethics established under this Act;
- (c) failure to comply with regulations with respect to professional standards or practice;
- (d) failure to comply with any condition attached to the warrant issued under this Act;
- (e) assumption of professional competence for which the person is not qualified or the person concerned is not authorised to practise in terms of their warrant;
- (f) acting in a manner which may be detrimental to the community development profession;
- (g) displaying lack of knowledge, skill or judgment in the practice of the profession of community development or in the carrying out of a duty or obligation undertaken in the practice of community development.

(3) Any community development practitioner who is the subject of any inquiry carried out by the Board shall be given the opportunity to make their defence and bring any evidence in their favour and for such purpose they may be represented by a lawyer or by any other person of their choice.

(4) Upon finalising the inquiry, the Board shall -

- (a) if it finds in favour of the community development practitioner, dismiss the case;

- (v) payment to cover the costs of the inquiry;
- (vi) order the waiver, reduction or refund of any fees charged for services rendered; or
- (vii) any other penalty as may be prescribed.

(5) On the cancellation of the warrant of a community development practitioner the Board shall strike off the name of such person from the official register of community development practitioners.

(6) For the purposes of this article, the members of the Board shall have the powers that are or may be conferred under the Inquiries Act, and shall conduct their inquiry as provided for in the same Act.

11.(1) Decisions of the Board shall be subject to appeal before the Administrative Review Tribunal established by article 5(1) of the Administrative Justice Act.

(2) When any person is dissatisfied with any decision of the Board taken in their regard, they may appeal to the said Tribunal against such decision not later than twenty days of service from the Board's decision.

(3) The Administrative Review Tribunal may, in its determination on any appeal entered in accordance with sub-article (1), confirm, reverse or vary, in whole or in part, the original decision.

12. The Minister may, on the recommendation of the Board, and upon an application to this effect, remove such suspension or cancellation, if the applicant meets such requirements that may be prescribed. Where the warrant of the community development practitioner has been reinstated, such community development practitioner shall be registered in the official register.

13.(1) Any association of community development practitioners may make an application to the Board to be registered as an association of community development practitioners for the purposes of this Act.

(2) An association shall be qualified to be registered under this article if it proves to the Board that it has a membership of at least seven registered community development practitioners and that it conforms with such other conditions as may be prescribed. An association shall submit, together with the application, a list of members and such other information as the Board may require to process the application.

(3) The Board shall have the power to require any association registered under this article to produce such records and information regarding the association and its members as the Board may reasonably require from time to time.

14.(1) Two or more warrant holders may form a civil partnership, in this

Act referred to as a "partnership of community development practitioners", having for its exclusive object the practice of the profession of community development and such powers as are necessary for the attainment of the objects of the partnership.

(2) No person other than a warrant holder may be a partner in a partnership of community development practitioners.

(3) Any such partnership shall, when duly formed according to law and upon payment of the prescribed fee, be registered with the Board and upon registration the partners shall, for as long as it is so registered, be authorised to act in the name and on behalf of the partnership which shall be entitled to the designation "community development practitioners" as part of its name.

(4) Every such partnership shall give to the Board such information as the Board may reasonably require or as may be prescribed, and shall give notice to the Board of any relevant changes in any information previously given to the Board within fifteen days after the date on which the change occurs.

15.(1) Notwithstanding the provisions of any other law or any other agreement to the contrary, the following provisions shall apply to a partnership of community development practitioners under this Act:

(a) the partners shall be jointly and severally responsible for the actions and omissions of each and every one of them in the performance of their professional duties, the maintenance of the required professional standards and conduct and generally in the fulfilment of their obligations under this Act or any other applicable law, and shall also be jointly and severally liable for any loss or damage resulting therefrom;

(b) any act or thing that may be done by a warrant holder may be done by one or more of the partners in the name of the partnership; and any act or thing done in the name of the partnership shall be done by one or more of the partners;

(c) the responsibilities and liabilities for anything done or omitted to be done during the period in which a person was a partner in a partnership of

16. The provisions of articles 10, 11 and 12 shall, *mutatis mutandis*, apply to partnerships of community development practitioners as they apply to community development practitioners.

17. (1) Any person who, for the purpose of obtaining a warrant or registering a partnership of community development practitioners under the provisions of this Act, knowingly gives any false information or otherwise acts in a deceitful or fraudulent manner, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand and four hundred euro (€2,400) or to imprisonment not exceeding twelve months or to both such fine and imprisonment.

(2) Any person who is found guilty of any other offence against this Act shall be liable on conviction to a fine (*multa*) not exceeding one thousand and two hundred euro (€1,200) 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 twelve euro (€12) for each day during which the offence continues, subject to a maximum of five thousand euro (€5,000).

(3) Any person who, not being the holder of a warrant issued under this Act, practices the profession of community development or assumes the designation of, or purports to be, a community development practitioner or carries out any community development practice in contravention of the provisions of this Act, shall be guilty of an offence against this article.

(4) Any person who, being the holder of a warrant issued under this Act, fails to be adequately insured in contravention of the provisions of this Act, shall be guilty of an offence against this article.

(5) Any person who uses the words "Community development practitioner" in relation to a partnership of community development practitioners where such partnership is not registered in accordance with the provisions of this Act, or in any manner whatsoever makes use of a name falsely implying the existence of an association or a partnership of community development practitioners registered as aforesaid shall be guilty of an offence against this Act.

(6) For the purposes of sub-articles (2) and (3), the use on any card, letterhead, sign, board, plate, advertisement or other written, printed or engraved device, instrument or document, of the words "community development practitioner", "registered community development practitioner" in relation to a name, or "partnership of community development practitioners" in relation to a partnership, or "association of community development practitioners" in relation to an association, shall be sufficient evidence that such titles are used, unless such person/ persons prove that the use of such words was made without their knowledge and that upon becoming aware of the use they took adequate steps to stop it.

(7) For the purpose of this article, a person shall not be deemed to be in contravention of the provisions of this Act if such person is practicing community development during an adaptation period or when in training, in any case under the appropriate supervision of a registered community development practitioner and subject to such regulations as may be prescribed.

(8) For the purpose of this article, a person shall not be deemed to be in contravention of the provisions of this Act if such person is practicing community development on behalf of any existing association or voluntary organisation established before the coming into force of this Act and includes any religious, catechetical, charitable and socio-cultural association or voluntary organisation as may be prescribed by the Minister from time to time.

(9) Subject to the provisions of sub-article (7), no person or any other organisation shall employ any person other than a registered community development practitioner for the purpose of practicing community development; in cases where the community development practitioner has been employed in community development work and meets the criteria set by this act, could be employed as a community development practitioner.

(10) The provisions of this Act establishing offences shall be without prejudice to the provisions of any other law establishing offences and punishments in respect of the same acts or omissions and shall not, in particular, affect the application of any higher punishment under any other law.

18. Where, following an inquiry under the provisions of article 10, the Board finds a community development practitioner guilty of any breach of professional conduct or of the Code of Ethics, the Board may impose such penalties as the Minister may prescribe.

19. The Minister may make regulations, which shall be consistent with the provisions of this Act, to give better effect to any of such provisions and generally to regulate the community development profession, and, without prejudice to the generality of the foregoing, such regulations may in

for the maintenance of a warrant;

(d) the work which can be performed and the services which can be rendered in terms of a warrant, and the terms and conditions which can be attached to such warrant, and the additional qualifications necessary for warrants providing for the practice of the profession of community development work in specialised practice;

(e) the fees that may be charged by the Board in connection with the application for the issue of a warrant, for the making of any registration under this Act, and for any other operations that may be carried out by the Board in accordance with the provisions of this Act;

(f) the fees that may be charged by community development practitioners for their professional services;

misconduct;

(g) the employment of persons who are in possession of a recognised honours degree or its equivalent but who do not qualify for a warrant under this Act, and who are working under the supervision of a registered community development practitioner in such establishments or agencies as may be prescribed;

(h) any other procedures that may be adopted by the Board;

(i) any matter which is required or is authorised by this Act to be prescribed;

(j) the punishments, penalties and other consequences and effects to which a person may become liable or which may take place in the event of any contravention of, or non-compliance with, any provision of any regulation under this article; so however that no punishment so prescribed shall exceed a fine of one thousand two hundred euro (€1,200), or imprisonment for a term of three months, or both such fine and imprisonment, and, in the case of a continuing offence, a fine of twelve euro (€12) for each day during which the offence continues, subject to a maximum of five thousand euro (€5000);

(k) the administrative penalties that may be imposed by the Board, which shall not exceed one thousand and two hundred euro (€1,200).

20. (1) Any person who on the coming into force of this Act is in possession of a professional qualification in community development that makes them eligible for a warrant licence to practice in the country where the professional qualification was obtained, shall be deemed to have satisfied the provisions of article 3(3)(e).

(2) For the purposes of article 3(3)(f), any training undertaken by any person who has obtained the qualification referred to in article 3(3)(e),

between the date of such qualification and the coming into force of this Act, shall be deemed to have been undertaken under the supervision of a registered community development practitioner.

(3) Notwithstanding the other provisions of this Act, any person who satisfies the Board that they have an honour degree in any social studies, recognised by the University of Malta and/or MCAST, that the board deems acceptable, prior to the coming into force of this Act shall be deemed to satisfy the requirements of article 3(3)(e) and (f).

(4) The provisions of sub-article (3) shall only apply in relation to a person who applies for a warrant under this Act within one year from its coming into force and who successfully undertakes a proficiency test set by the Board within six months from the date of such application.

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