

ABBOZZ TA' LIĠI
imsejjah

ATT biex jemenda diversi diżpożizzjonijiet tal-Att dwar l-Edukazzjoni

Il-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2011 li jemenda l-Att dwar l-Edukazzjoni u għandu jinqara u tiftiehem haġa waħda mal-Att dwar l-Edukazzjoni, hawn iżjed 'il quddiem msejjah "l-Att prinċipali".

Titolu fil-Qosor.

Kap. 327.

(2) Dan l-Att għandu jibda jseħh f'dik id-data li l-Ministru responsabbli għall-edukazzjoni jista' b'avviż fil-Gazzetta jstabilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

2. Fit-Taqsim ta' l-Att prinċipali, it-Titolu tat-Taqsima VI ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tat-Taqsim ta' l-Att tal-liġi prinċipali.

“Edukazzjoni Avvanzata u Ogħla”.

3. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) fit-tifsira “entita” minflok il-kliem “Kummissjoni Nazzjonali għal Edukazzjoni Ogħla” għandhom jidhlu l-kliem

“Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Oġhla” u minflok il-kliem “Kummissjoni Nazzjonali għal Edukazzjoni Oġhla” kull fejn dawn jinsabu fl-Att prinċipali, għandhom jidhlu l-kliem “Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Oġhla”.

(b) it-tifsira “skola” għandaha tiġi sostitwita bit-tifsira ġdida li ġejja:

“skola” tfisser istituzzjoni li r-rizorsi tagħha kemm ta’ persuni u kemm ta’ oġġetti huma ordinati sabiex jitmexxew ’il quddiem l-edukazzjoni u t-taħriġ ta’ persuni oħra permezz tat-tixrid tat-tagħrif u t-*tkabbir* tat-tagħlim.

Izda għall-finijiet ta’ licenza biex tiftaħ skola taħt dan l-Att, ma’ tinkludix dawn li ġejjin:

(a) provditur li joffri edukazzjoni avanzata jew oġhla kif definiti fl-artikolu 63; u

(b) istituzzjoni għat-tmexxija ’l quddiem ta’ edukazzjoni u tagħrif ta’ natura esklussivament jew kwazi esklussivament reliġjuża;”.

Emenda tal-artikolu
20 tal-Att prinċipali.

4. Fis-subartikolu (9) tal-artikolu 20 tal-Att prinċipali, minflok il-kliem “jew obligatorja, u lill-Kummissjoni Nazzjonali għal Edukazzjoni Oġhla f’każ li t-talba hi għal skola fil-livell ta’ edukazzjoni avanzata jew oġhla:” għandhom jidhlu l-kliem “jew obligatorja:”

Emenda tal-artikolu
24 tal-Att prinċipali.

5. Fil-paragrafu (e) tas-subartikolu (2) tal-artikolu 24 tal-Att prinċipali, minflok il-kliem “taħt sorveljanza fi skola licenzjata, jew b’xi mod ieħor kif jista’ jiddeċiedi l-Kunsill” għandhom jidhlu l-kliem “taħt sorveljanza fi skola jew provditur ta’ edukazzjoni avanzata kif definita fl-artikolu 63 ta’ dan l-Att, liema skola jew provditur jkunu rikonoxxuti mill-awtorità kompetenti li tkun inkarigata bil-licenzjar ta’ dik l-iskola jew provditur skond dan l-Att jew regolamenti magħmula taħtu, jew b’xi mod ieħor kif jista’ jiddeċiedi l-Kunsill”.

Sostituzzjoni tat-titolu
tat-Taqsima VI tal-Att
prinċipali.

6. It-titolu ta-Taqsima VI tal-Att prinċipali għandu jiġi sostitwit bil-kliem “Edukazzjoni Avanzata u Oġhla”.

7. L-artikolu 63 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu
63 tal-Att prinċipali.

(a) minflok it-tifsira “akkreditament ta’ programmi jew ta’ istituzzjonijiet” għandu jidhol dan li ġej:

“ “akkreditament” tfisser approvazzjoni formali mill-awtorità kompetenti skond dan l-Att jew regolamenti magħmula tahtu li l-ħidma ta’ provditur, jew programm ta’ edukazzjoni avvanzata jew oġġla tkun konformi ma’ livelli ta’ kwalità kif dawn ikunu approvati mill-awtorità kompetenti għall-akkreditament taht dan l-att jew regolamenti magħmula tahtu;

(b) it-tifsiriet “approvazzjoni” u “awtorizzazzjoni” għandhom jiġu mhassra;

(c) minflok it-tifsira “edukazzjoni avvanzata” għandu jidhol dan li ġej:

“ “edukazzjoni avvanzata” tfisser kull taġġlim formali, mhux formali jew informali li ma tkunx parti mill-edukazzjoni obbligatorja, li tista’ sservi sabiex tinkiseb kwalifika nazzjonali klassifikata sa u li tkun tinkludi livell 4 tal-Qafas Malti tal-Kwalifiki, jew kwalifika barranija ta’ livell komparabbli;”

(d) minflok it-tifsira “edukazzjoni oġġla” għandu jidhol dan li ġej:

“ “edukazzjoni oġġla” tfisser kull taġġlim formali, mhux formali jew informali li ma tkunx parti mill-edukazzjoni obbligatorja, li tista’ sservi sabiex tinkiseb kwalifika nazzjonali klassifikata fil-livell 5 tal-Qafas Malti tal-Kwalifiki jew oġġla, jew kwalifika barranija ta’ livell komparabbli;”

(e) it-tifsiriet “evalwazzjoni”, “istituzzjoni għal edukazzjoni avvanzata”, “istituzzjoni għal edukazzjoni oġġla” u “istituzzjonijiet” għandhom jiġu mhassra;

(f) minnufih wara t-tifsira “Kummissjoni” għandhom jiddiedu dawn it-tifsiriet godda li ġejjin:

“ “kwalifika” tfisser espressjoni formali ta’ għarfien, hiliet u kompetenzi ta’ persuna, li tagħti għarfien uffċjali ta’ valur fis-suq tax-xogħol u fl-edukazzjoni u t-taħriġ;

“ “licenzjar” tfisser il-proċess, skond id-dispożizzjonijiet ta’ dan l-Att jew regolamenti magħmulin taħt dan l-Att għall-licenzjar u rapurtagġ perjodiku meħtieġ minn provdituri għat-twaqqif tagħhom jew għall-kisba jew għaż-żamma ta’ status speċifiku jew biex ikollhom id-dritt li jagħtu kwalifiki nazzjonali jew kwalifiki barranin ta’ livell komparabbli;”;

(g) minflok it-tifsira “li tiġi żgurata l-kwalità” u minnufih wara t-tifsira “akkreditament” għandu jidhol dan li ġej –

“assikurazzjoni ta’ kwalità” tirreferi għal proċess wieħed jew aktar -

(i) li jiggarantixxu l-kwalità ta’ edukazzjoni avvanzata u edukazzjoni oġhla f’kuntest ekonomiku, soċjali u kulturali, fuq livell nazzjonali, Ewropew u internazzjonali;

(ii) li jiżguraw l-użu ta’ kejl xieraq bħala għodda għat-titjib ta’ min jitgħallem u min jgħallem, tat-taħriġ u tar-riċerka; u

(iii) li jikkomunikaw ir-riżultat ta’ dan il-proċess f’qafas intern u estern ta’ kontabilità;”;

(h) it-tifsiriet “livell ISCED” u “livell NQF” għandhom jiġu mħassra;

(i) fit-tifsira “marka bażi”, minflok il-kelma “istituzzjonijiet” għandha tidhol il-kelma “provdituri”;

(j) minnufih wara t-tifsira “marka bażi” għandhom jiżdiedu dawn it-tifsiriet godda li ġejjin:

“ “il-Qafas Malti tal-Kwalifiki” tfisser il-qafas nazzjonali għat-tagħlim tul il-ħajja, li jkun strument nazzjonali għall-iżvilupp u l-klassifikazzjoni ta’ kwalifiki skond numru ta’ kriterji stabbiliti permezz ta’ deskritturi applikabbli għal numru ta’ livelli differenti, kif imwaqqaf taħt dan l-Att jew regolamenti magħmulin taħtu;

“programm” tfisser kull kors formali ta' edukazzjoni, taħriġ jew riċerka ta' xorta akkademika, vokazzjonali jew professjonali li mhuwiex parti mill-edukazzjoni obligatorja li jservi sabiex tinkiseb kwalifika klassifikata fil-Qafas Malti tal-Kwalifiki jew f'xi Qafas tal-Kwalifiki barrani rikonoxxut u komparabbli;

“provditur” tfisser kull individwu jew korp magħqud li jkun jipprovdni servizzi ta' edukazzjoni avvanzata jew oghla f'Malta jew minn Malta. Provditur jista' jkun università, kulleġġ, kumpannija, fondazzjoni, organizzazzjoni karitattiva, trust, istitut, sussidjarja, fergħa, xi entità ta' xi waħda minn dawn, jew xi individwu jew korp magħqud ieħor li jkollu għanijiet simili;

“provvista” tfisser l-azzjoni li biha jingħataw servizzi ta' edukazzjoni avvanzata jew oghla f'Malta jew minn Malta, u tinkludi b'mod full-time u part-time, programm ta' riċerka jew ta' orjentament vokazzjonali, taġħlim li jingħata mill-bogħod u taġħlim b'mod elettroniku, sħubija ma' providituri jew entitajiet oħra, il-kuntrattar ta' servizzi lill-oħrajn, fergħat u attivitajiet li l-provditur jagħmel barra minn Malta;”.

(k) minflok it-tifsira “rikonoxximent” għandu jidhol dan li ġej:

“ “rikonoxximent” tfisser rikonoxximent formali tal-valur ta' kwalifika mill-awtorità kompetenti taħt dan l-Att, jew xi Att ieħor, jew xi regolamenti magħmulin taħtu, bil-ħsieb li dan jagħti aċċess għall-edukazzjoni u, jew impjeg;”;

(l) minnufih wara t-tifsira “rikonoxximent”, għandhom jidhlu dawn it-tifsiriet ġodda li ġejjin:

“ “taġħlim” jinkludi edukazzjoni u taħriġ;

“taġħlim formali” tfisser proċess ta' taġħlim li jseħħ f'kuntest organizzat u strutturat u huwa maħsub bħala taġħlim skond oġġettivi, ħin dedikat għat-taġħlim u appoġġ għat-taġħlim. Taġħlim formali huwa intenzjonat mill-perspettiva ta' min ikun qiegħed jitgħallem u jwassal għal kwalifika;

“tagħlim informali” tfisser proċess ta’ tagħlim li jkun jirrizulta minn attivitajiet ta’ kuljum li jkun relatati ma’ xogħol, familja jew mistrieħ, li permezz tagħhom il-persuna takkwista u takkumula tagħrif, ħiliet, attitudnijiet, intuwitu u kompetenzi mill-esperjenzi ta’ kuljum u mill-ambjent li jkun espost għalih;

“tagħlim mhux formali” tfisser tagħlim integrat f’attivitá ppjanata li tkun organizzata barra mis-sistema tal-edukazzjoni formali, liema attivitá ma tkunx maħsuba bħala tagħlim, iżda tkun tikkonsisti minn element importanti ta’ tagħlim;

“tagħlim tul il-ħajja” tinkludi kull tip t’attivitá ta’ tagħlim li persuna tagħmel tul ħajjitha bil-għan li takkwista u ttejjeb l-attitudnijiet, valuri, tagħrif, ħiliet u kompetenzi tagħha, u takkwista kwalifiki li jsaħħu l-aspett personali u soċjali tagħha, kif ukoll jagħtu possibiltá għal karriera aħjar;”;

(m) minflok it-tifsira “verifika tal-kwalità” għandu jidhól dan li ġej:

“ “verifika tal-kwalità” tirreferi għall-proċess ta’ evalwazzjoni esterna tal-mekkaniżmi li jiżguraw il-kwalità interna, adottata minn provditur għall-użu tiegħu, u għall-ħarsien mill-providitur tal-obbligi tiegħu ta’ licenzjar, akkreditament u obbligi oħra taħt dan l-Att jew regolamenti magħmula taħtu, biex kontinwament issegwi u ttejjeb il-ħidma ta’ provditur jew ta’ programm”;

Emenda tal-artikolu
64 tal-Att prinċipali.

8. Is-subartikolu (1) tal-artikolu 64 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu, minflok il-kliem “ta’ l-istituzzjonijiet ta’ edukazzjoni avvanzata u, jew oġġla” għandhom jidhólu l-kliem “tal-provdituri tal-edukazzjoni avvanzata u oġġla”;

(b) fil-paragrafu (b) tiegħu, minflok il-kliem “tas-setturi ta’ l-edukazzjoni avvanzata u oġġla f’Malta” għandhom jidhólu l-kliem “ta’ l-edukazzjoni avvanzata u oġġla f’Malta”;

(ċ) fil-paragrafu (ċ) tiegħu, minflok il-kliem “li għandha x’taqsam mas-settur ta’ l-edukazzjoni avvanzata u oġġla” għandhom jidhólu l-kliem “li għandha x’taqsam mal-edukazzjoni avvanzata u oġġla”.

9. Minflok l-artikolu 65 tal-Att prinċipali għandu jidhol li ġej:

Sostituzzjoni tal-artikolu 65 tal-Att prinċipali.

“Skop u funzjonijiet tal-Kummissjoni.

65. Il-Kummissjoni għandha:

(a) tifformula prinċipji gwida għall-edukazzjoni avvanzata u oġġla, li tkun l-edukazzjoni u t-taħriġ vokazzjonali, u tipproponi viżjoni, objettivi u miri strateġiċi ċari u sostennibbli għall-edukazzjoni avvanzata u oġġla;

(b) tirriċerka, tanalizza, tirrevedi u, permezz tal-Ministru, tagħti pariri lill-Gvern dwar l-iżvilupp, l-ippjanar u t-tmexxija tal-politika ta' l-edukazzjoni avvanzata u oġġla;

(ċ) taġixxi bħala l-awtorità kompetenti għall-liċenzjar, akkreditament, assikurazzjoni ta' kwalità u rikonoxximent ta' provdituri u programmi skond dan l-Att jew ta' regolamenti magħmula tahtu;

(d) iġġib 'il quddiem u tiffacilita l-aċċess għat-tagħlim tul il-ħajja u t-trasferiment u l-progress fit-tagħlim tul-ħajja;

(e) tippromwovi u tinkoraġġixxi il-provvista tal-edukazzjoni u taħriġ vokazzjonali u r-rikonnixxment tagħha f'Malta u f'pajjiżi barranin;

Kap. 451.

(f) taqdi funzjonijiet taċ-Ċentru Malti għal rikonixximent ta' kwalifiki u Informazzjoni taht l-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki;

(g) tippromwovi u żżomm il-Qafas Malti tal-Kwalifiki u l-politika u l-kriterji li fuqhom għandu jissejjes dan il-Qafas;

(h) tapprova u tiżgura li tippubblika livelli nazzjonali ta' għarfien, ħiliet, kompetenzi u attitudnijiet għal kull settur ta' impjeg;

(i) tivvalida tagħlim li jkun sar b'mod

informali u mhux formali u tikklassifika din il-validazzjoni f'livell tal-Qafas Malti tal-Kwalifiki;

(j) tirrakkomanda policies ta' finanzjar, u ta' sistemi alternattivi ta' finanzjar tal-edukazzjoni avvanzata u oġhla, filwaqt li tindirizza l-kwistjoni ta' l-adeqwatezza ta' dan il-finanzjament u ta' kontabilità fil-provvista tal-edukazzjoni avvanzata u oġhla;

(k) tipproponi policies li jkollhom x'jaqsmu ma' l-istudenti dwar għazliet sostenibbli, aċċess ekwu u mobilità fl-edukazzjoni avvanzata u oġhla, appoġġ finanzjarju, servizzi ta' informazzjoni u gwida dwar passaġġi ta' żvilupp għal studenti;

(l) tirrakkomanda policies li jkollhom x'jaqsmu mar-riċerka, l-innovazzjoni, l-proprjetà intellettuali, u t-trasferiment ta' l-għerf;

(m) tfassal policies li jkollhom x'jaqsmu mad-dimensjoni internazzjonali ta' l-edukazzjoni avvanzata u oġhla u ma' l-espansjoni u d-diversifikazzjoni tal-provvediment tagħhom;

(n) tagħti pariri, u meta jkun il-każ, tagħmel dawk ir-rakkomandazzjonijiet li jidhrilha meħtieġa, lill-Gvern u lill-provviduri, dwar kull materja jew kwistjoni oħra li jkollha x'taqsam ma' l-edukazzjoni avvanzata u oġhla; u

(o) twettaq dawk il-funzjonijiet oħra kif il-Ministru jista' jirrakkomanda minn żmien għal żmien b'regolamenti magħmulin taħt dan l-Att.”.

Emenda tal-artikolu
66 tal-Att prinċipali.

10. L-artikolu 66 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu, minflok il-kliem “fost l-istituzzjonijiet ta' l-edukazzjoni avvanzata u oġhla u dawk involuti b'mod rilevanti” għandhom jidhru l-kliem “fost il-provviduri u dawk il-partijiet interessati rilevanti”;

(b) fil-paragrafu (b) tiegħu, minflok il-kliem “żviluppi settorjali li jkunu qegħdin isehħu” għandhom jidhru l-kliem

“żviluppi li jkunu qegħdin isehħu fl-edukazzjoni avvanzata u oghla”;

(c) fit-test Inġliż, is-subparagrafu (ii) tal-paragrafu (d) tiegħu, minflok il-kliem “indicators on the further and higher sectors in Malta” għandhom jidhlu l-kliem “indicators on further and higher education in Malta”;

(d) fil-paragrafu (f) tiegħu, minflok il-kliem “reġistru aġġornat ta’ l-istituzzjonijiet u l-programmi awtorizzati u akkreditati f’Malta” għandhom jidhlu l-kliem “reġistru aġġornat ta’ provdituri akkreditati u licenzjati minnha u programmi akkreditati minnha”;

(e) il-paragrafu (g) tiegħu għandu jiġi enumerat bħala l-paragrafu (h);

(f) minnufih wara l-paragrafu (f) tiegħu, għandu jizjed dan il-paragrafu ġdid li dan li ġej:

“(g) iżżomm u tippubblika reġistru aġġornat ta’ kwalifiki klassifikati fil-Qafas Malti tal-Kwalifiki;”;

(g) fil-paragrafu (h) tiegħu kif enumerat mill-ġdid, minflok il-kliem “l-iskopijiet u l-funzjonijiet tagħha kif imfissra f’dan l-Att” għandhom jidhlu l-kliem “l-iskopijiet u l-funzjonijiet tagħha skond dan l-Att jew kull regolament magħmul tahtu”.

11. Fis-subartikolu (2) tal-artikolu 67 tal-Att prinċipali, minflok il-kliem “li jidhirlha xierqa fuq dan is-settur ta’ l-edukazzjoni” għandhom jidhlu l-kliem “li jidhirlha xierqa fuq l-edukazzjoni avvanzata u oghla”. Emenda tal-artikolu 67 tal-Att prinċipali.

12. L-artikolu 68 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 68 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “disponibbli għall-istituzzjonijiet pubbliċi ta’ l-edukazzjoni avvanzata u oghla” għandhom jidhlu l-kliem “disponibbli għall-provdituri pubbliċi ta’ l-edukazzjoni avvanzata u oghla” u minflok il-kliem “sew minn istituzzjonijiet pubbliċi u privati” għandhom jidhlu l-kliem “sew minn provdituri pubbliċi u privati”; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “s-Segretarjat tagħhom” għandhom jidhlu l-kliem “s-Segretarjat tagħha”.

Emenda tal-artikolu 69 tal-Att prinċipali.

13. Fis-subartikolu (12) tal-artikolu 69 tal-Att prinċipali, il-kliem “istituzzjonijiet kemm pubbliċi kemm privati.” għandhom jiġu sostitwiti bil-kliem “provdituri kemm pubbliċi kemm privati.”.

Emenda tal-artikolu 71 tal-Att prinċipali.

14. Fit-test Inġliż tal-artikolu 71 tal-Att prinċipali, minflok il-kliem “may establish in agreement with the Minister” għandhom jidhlu l-kliem “may establish in agreement with the Minister”.

Zieda ta' artikolu ġdid mal-Att prinċipali.

15. Minnufih wara l-artikolu 71 tal-Att prinċipali, għandu jidhol dan l-artikolu ġdid li ġej:

“*Ombudsman* tal-Edukazzjoni Avanzata u Oghla. Kap. 385. “71A. (1) Għandu jkun hemm *Ombudsman* għall-edukazzjoni avvanzata u oghla li għandu jiġi maħtur għal terminu ta’ ħames snin mill-*Ombudsman* maħtur taht l-Att dwar l-*Ombudsman*, hawn aktar ‘il quddiem imsejjaħ “l-*Ombudsman* Parlamentari”. Hu għandu l-obbligu li jinvestiga u jirrapporta fuq kull ilment minn studenti jew impjegati ta’ provdituri ta’ edukazzjoni avvanzata u oghla tal-Gvern dwar affarijiet relatati ma’ dawn il-provdituri kif ukoll ilmenti minn persuni li jkunu ġew miċhuda dħul għal programm provdut minn dawn il-provdituri, u li jissuġġerixxi rimedju. Persuni li jkollhom ilment, li jkunu eżawrew dan ir-rimedju, jistgħu jġibu l-ilment tagħhom quddiem l-*Ombudsman* Parlamentari. L-*Ombudsman* għall-edukazzjoni avvanzata u oghla għandu jircievi dak is-salarju u allowances, li jkunu piż fuq il-Fond Konsolidat, kif jista’ jiġi determinat mill-Ministru.

(2) L-*Ombudsman* għall-edukazzjoni avvanzata u oghla jista’ jitneħħa mill-kariga biss mill-*Ombudsman* Parlamentari wara konsultazzjoni mall-Prim Ministru, u dan minħabba inabilità ppruvata li jwettaq il-funzjonijiet tal-kariga tiegħu jew imġieba ħażina ppruvata.”.

Emenda tal-artikolu 74 tal-Att prinċipali.

16. Fl-artikolu 74 tal-Att prinċipali, is-subartikoli (15) u (16) tiegħu għandhom jiġu mħassra u s-subartikoli (17) u (18) għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (15) u (16) rispettivament.

17. Minflok il-paragrafu (e) tal-artikolu 79 tal-Att prinċipali għandu jidhol dan li ġej: Emenda tal-artikolu 79 tal-Att prinċipali.

“(e) li jirrikonoxxi lil gradi, diplomi, ċertifikati u distinzjonijiet ta’ universitajiet jew provdituri ta’ edukazzjoni għolja barranin għall-finijiet ta’ dħul fi programm tal-Università;”.

18. Fis-subartikolu (2) tal-artikolu 89 tal-Att prinċipali, minflok il-kliem “Kunsill Malti għall-Kwalifiki” għandhom jidhlu l-l-kliem “Kummissjoni Nazzjonali għal Edukazzjoni Avvanzata u Oġhla”. Emenda tal-artikolu 89 tal-Att prinċipali.

19. Fis-subartikoli (3) u (4) tal-artikolu 93 tal-Att prinċipali, minflok il-kliem “Kunsill Malti għall-Kwalifiki” għandhom jidhlu l-l-kliem “Kummissjoni Nazzjonali għal Edukazzjoni Avvanzata u Oġhla”. Emenda tal-artikolu 93 tal-Att prinċipali.

20. L-artikolu 135 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 135 tal-Att prinċipali.

(a) il-paragrafu (t) tiegħu għandu jiġi sostitwit b’dan li ġej:

“(t) biex jipprovdi għal proċessi ta’ liċenzjar, akkreditament, assikurazzjoni ta’ kwalità u rikonoxximent;”;

(b) minnufih wara l-paragrafu (t) tiegħu, għandhom jidhlu dawn l-paragrafi godda li ġejjin:

“(u) biex jipprovdi għal proċessi tal-validazzjoni ta’ tagħlim li jkun sar b’mod informali u mhux formali bl-għan li din il-validazzjoni tkun klassifikata f’livell tal-Qafas Malti tal-Kwalifiki;

(v) biex jirregola kull ħaġa li għandha x’taqsam mat-tagħlim tal-Ingliż bħala lingwa barranija;

(w) biex jirregola l-aċċess u għbir ta’ informazzjoni, statistika u data mill-Kummissjoni Nazzjonali għal Edukazzjoni Avvanzata u Oġhla u mis-Segretarjat ta’ l-istess Kummissjoni li huma mwaqqfin bl-artikoli 64 u 70 rispettivament;

(x) biex jestendi l-funzjonijiet tal-Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Ogħla skond l-artikolu 65 (o);

(y) biex jipprovdi għat-twaqqif u d-deskrizzjoni tal-Qafas Malti tal-Kwalifiki kif imfisser fl-artikolu 63, minn żmien għal żmien; u

(z) biex jistabilixxi pieni amministrattivi li ma jeċċedux penali ta' erbat elef Euro (4,000) li jistgħu jeħlu persuna, skola, provditur jew korp magħqud li jiksru d-dispożizzjonijiet ta' regolamenti magħmulin taħt dan l-Att:

Iżda –

(a) il-Ministru jista' b'regolamenti issemmi l-awtorità kompetenti li tkun responsabbli biex timponi u tinforza dawn il-pieni amministrattivi rigward dawh ir-regolamenti;

(b) meta xi piena amministrattiva li tkun giet imposta taħt dan il-paragrafu ssir waħda finali, din tkun tikkostitwixxi titolu eżekuttiv għall-effetti u l-finijiet tat-Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.”.

Għanjet u Raġunijiet

L-għanijiet ta' dan l-Abbozz ta' Liġi huma biex jiġi promulgat Att biex jemenda l-Att dwar l-Edukazzjoni li huma meħtieġa sabiex is-setturi tal-edukazzjoni milquta b'dan l-Abbozz ikunu jistgħu jaħdmu aħjar, partikolarment l-iskejjel fl-edukazzjoni obbligatorja, l-eżamijiet, il-professjoni tal-għalliema u l-edukazzjoni avanzata u ogħla. B'mod speċjali, dan l-Abbozz għandu l-għan li jtejjeb it-tifsiriet fl-Att li għandhom x'jaqsmu mal-edukazzjoni avanzata u ogħla bl-iskop li jipprovdi stampa aktar ċara tal-aspetti varji tal-edukazzjoni avanzata u ogħla u sabiex ukoll jirrifletti l-iżviluppi nazzjonali u Ewropej f'dan il-qasam. L-Abbozz ukoll jatribwixxi aktar funzjonijiet lil Kummissjoni Nazzjonali Għal Edukazzjoni Ogħla sabiex din tkun tista' tagħmel xogħol relatat mal-kwalifiki, ir-rikonossiment, il-liċenzjar, l-akkreditament u l-assikurazzjoni ta' kwalità tal-edukazzjoni avanzata u ogħla. Dan sabiex il-varji funzjonijiet regolatorji u ta' politika li għandhom x'jaqsmu mal-edukazzjoni avanzata u ogħla jiġu miġbura taħt entità waħda u sabiex jkunu tista' tiġi adottata leġislazzjoni sussidjari f'oqsma relatati, sabiex is-settur jiġi regolat.

**A BILL
entitled**

An ACT to amend the law related to Education

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. (1) The title of this Act is the Education (Amendment) Act, 2011 and it shall be read and construed as one with the Education Act, hereinafter in this part referred to as “the principal Act”.

Short Title.

Cap. 327.

(2) This Act shall come into force on such date as the Minister responsible for education may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

2. In the Arrangement of Act of the principal Act, for the words “Establishment and Functions of the National Commission for Higher Education” there shall be substituted the words “Further and Higher Education”.

Amendment of Arrangement of Act of the principal Act.

3. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) in the definition “entity” for the words “National Commission for Higher Education” there shall be substituted

the words “National Commission for Further and Higher Education” and for the words “National Commission for Higher Education” wherever they occur in the principal Act, there shall be substituted the words “National Commission for Further and Higher Education”;

(b) for the definition “school” in Article 2 of the principal Act there shall be substituted the following:

“ “school” means an institution the resources of which, both of persons and of things, are ordained towards the promotion of the education and training of other persons through the dissemination of knowledge:

Provided that for the purposes of a licence to open a school under this Act it does not include any of the following:

(a) a provider offering further or higher education as defined in article 63; and

(b) an institution for the promotion of instruction and knowledge of an exclusively or almost exclusively religious character;”.

Amendment of article 20 of the principal Act.

4. In subarticle (9) of article 20 of the principal act, for the words “or compulsory education level, and the National Commission for Higher Education should the request be in respect of a school at a further or higher education level:”, there shall be substituted the words “or compulsory education level:”.

Amendment of article 24 of the principal Act.

5. In paragraph (e) of sub-article (2) of Article 24 of the principal Act, for the words “under supervision in a licensed school, or in any other manner as the Council may decide” there shall be substituted the words “under supervision in a school or provider of further education as defined in article 63 of this Act, which school or provider is recognised by the relevant competent authority tasked with the licensing thereof by or under this Act, or in any other manner as the Council may decide”.

Substitution of Title of Part VI of the Principal Act.

6. For the Title of Part VI of the principal Act there shall be substituted the following:

“Further and Higher Education”.

7. Article 63 of the principal Act shall be amended as follows:

Amendment of article 63 of the principal Act.

(a) for the definition “accreditation of programmes and institutions” there shall be substituted the following:

“ “accreditation” means formal approval by the competent authority under this Act or any regulations made thereunder that the operation of a further or higher education provider, or that a programme of further or higher education, meets quality standards;”;

(b) the definitions “approval” and “authorisation” shall be deleted;

(c) in the definition “benchmark” for the word “institutions” there shall be substituted the word “providers”;

(d) the definition “evaluation” shall be deleted;

(e) immediately after the definition “the Commission”, there shall be added the following new definition:

“ “formal learning” means learning that occurs in an organised and structured context and is explicitly designated as learning in terms of objectives, time or learning support. Formal learning is intentional from the learner’s point of view and leads to a qualification;”;

(f) for the definition “further education” there shall be substituted the following:

“ “further education” means all non-compulsory formal, non-formal and informal learning which serves to obtain a national qualification classified up to and including level 4 of the Malta Qualifications Framework, or a foreign qualification at a comparable level;”;

(g) the definition “further education institution” shall be deleted;

(h) for the definition “higher education” there shall be substituted the following:

“ “higher education” means all non-compulsory formal, non-formal and informal learning or research which serves to obtain a national qualification classified at level 5 of the Malta Qualifications Framework or higher, or a foreign qualification at a comparable level;”;

(i) the definitions “higher education institution”, “institutions” and “ISCED level” shall be deleted;

(j) immediately after the definition “higher education”, there shall be added the following new definitions:

“ “informal learning” means a learning process resulting from daily life activities related to work, family or leisure, by which an individual acquires and accumulates knowledge, skills, attitudes, insight and competences from daily experiences and from exposure to one’s environment;

“learning” includes education and training;

“licensing” means the process in accordance with the provisions of this Act or any regulations made under this Act for the licensing and periodic reporting required from providers to establish themselves or to attain or maintain a specific status, or to confer national qualifications or foreign qualifications at a comparable level;

“lifelong learning” includes all kind of learning activities that an individual undertakes throughout life, with the aim of acquiring and improving attitudes, values, knowledge, skills and competences, and acquiring qualifications that enhance an individual’s personal and social dimension as well as the prospects of a better career;

“Malta Qualifications Framework” means the national framework for lifelong learning, being the national instrument for the development and classification of qualifications according to a set of criteria, established through descriptors and applicable to a different set of levels, as provided by this Act or any regulation made under this Act;”

(k) the definition “NQF level” shall be deleted;

(l) immediately after the definition “Malta Qualifications Framework”, there shall be added the following new definitions:

“non-formal learning” means learning embedded in a planned activity organised outside the formal educational system, which activity is not explicitly designed as learning but which contains an important learning component;

“programme” means any academic, vocational or professional course of formal non-compulsory learning or research which serves to obtain a qualification classified within the Malta Qualifications Framework or to a foreign recognised and comparable qualifications framework;

“provider” means any individual or body corporate providing further education or higher education services in or from Malta. A provider may be a university, college, company, foundation, charity, trust, institute, subsidiary, branch, an entity of any of these, or any other an individual or body corporate with similar scope;

“provision” means the act of providing further or higher education in or from Malta, and includes full-time and part-time taught, research or vocationally-oriented programmes, distance learning, e-learning, partnerships with other providers or business entities, sub-contracting of services, franchising and offshore activities of a provider;

“qualification” means a formal expression of knowledge, skills and competences of the individual, which confers official recognition of value in the labour market and in education and training;”;

(m) for the definition “quality assurance” there shall be substituted the following:

“quality assurance” refers to one or more processes which:

(i) safeguard the quality of further and higher education within the economic, social and cultural context, on a national, European and international level;

(ii) ensure the use of appropriate measures as a means of improving the quality of teaching, learning, training and research; and

(iii) communicate the outcome of such findings within an internal and external framework of accountability;

(n) for the definition “quality audit” there shall be substituted the following:

“ “quality audit” refers to an external evaluation process of internal quality assurance mechanisms adopted by a provider for its own use, and of the provider’s adherence to any licensing, accreditation and other obligations under this Act or any regulations made thereunder, in order to continuously monitor and improve the operation of a provider or of a programme;”

(o) for the definition “recognition” there shall be substituted the following:

“ “recognition” means a formal acknowledgement by the competent authority under this or any other Act, or any regulations made thereunder, of the value of an educational qualification with a view to giving access to educational and, or employment activities.”.

Amendment of article
64 of the principal
Act.

8. Sub-article (1) of Article 64 shall be amended as follows:

(a) in paragraph (a) thereof, for the words “further and higher education institutions” there shall be substituted the words “providers of further and, or higher education”;

(b) in paragraph (b) thereof, for the words “further and higher education sectors in Malta” there shall be substituted the words “further and higher education in Malta”;

(c) in paragraph (c) thereof, for the words “connected with the further and higher education sectors” there shall be

substituted the words “connected with further and higher education”.

9. For article 65 of the principal Act, there shall be substituted the following:

Substitution of article 65 of the principal Act.

“Aim and Functions of the Commission.

65. The Commission shall:

(a) formulate the guiding principles for further and higher education, including vocational education and training, and propose a clear vision and sustainable strategic targets and objectives for further and higher education;

(b) research, analyse, review and, through the Minister, give advice to the Government on the development, planning and governance of further and higher education policy;

(c) act as the competent authority for licensing, accreditation, quality assurance and recognition of providers and programmes as provided by this Act or any regulation made under this Act;

(d) promote and facilitate access to life-long learning and transfer and progression in lifelong learning;

(e) promote and foster the provision of vocational education and training and its recognition in Malta and abroad;

(f) perform the functions of the Malta Qualifications Recognition Information Centre under the Mutual Recognition of Qualifications Act; Cap. 451.

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

(h) approve and ensure the publication of national standards of knowledge, skills,

competences and attitudes for each employment sector;

(i) validate informal and non-formal learning and classify such validation at a level of the Malta Qualifications Framework;

(j) recommend financing policies, and alternative financing systems, of further and higher education while addressing the issue of the adequacy of this financing and of accountability in the provision of further and higher education;

(k) propose policies which are related to students on sustainable options, equity in access and mobility in further and higher education, financial support, services of information and guidance about pathway development for students;

(l) recommend policies related to research, innovation, intellectual property, and knowledge transfer;

(m) formulate policies related to the international dimension of further and higher education and to the expansion and diversification of their provision;

(n) advise and, where the case shall so require, make such recommendations as may appear to be required, to the Government and to providers, on any matter or other issue related to further higher education; and

(o) perform such other functions as the Minister may designate from time to time by means of regulations under this Act.”.

Amendment of article
66 of the principal
Act.

10. Article 66 shall be amended as follows:

(a) in paragraph (a) thereof, for the words “among the institutions in the further and higher education sectors and with relevant stakeholders” there shall be substituted the words “among providers and with relevant stakeholders”;

(b) in paragraph (b) thereof, for the words “current sectoral developments” there shall be substituted the words “current developments in further and higher education;”;

(c) in the English text, sub-paragraph (ii) of paragraph (d) thereof, for the words “indicators on the further and higher sectors in Malta” there shall be substituted the words “indicators on further and higher education in Malta”;

(d) in paragraph (f) thereof, for the words “updated register of authorised and accredited institutions and programmes available in Malta;” there shall be substituted the words “updated register of providers accredited and licensed by it and programmes accredited by it;”;

(e) paragraph (g) thereof shall be renumbered as paragraph (h) ;

(f) immediately after paragraph (f), there shall be the following new paragraph:

“(g) maintain and publish an updated register of qualifications classified within the Malta Qualifications Framework;”

(g) in paragraph (h) thereof as renumbered, for the words “objectives and functions as explained in this Act” there shall be substituted the words “objectives and functions as provided in this Act or any regulations made thereunder”;

11. In sub-article (2) of article 67 of the principal Act, for the words “which it deems to be fit on this educational sector” there shall be substituted the words “which it deems to be fit on further and higher education”.

Amendment of article 67 of the principal Act.

12. Article 68 of the principal Act shall be amended as follows:

Amendment of article 68 of the principal Act.

(a) in sub-article (1) of article 68 of the principal Act, for the words “available to further and higher public educational institutions” there shall be substituted the words “available to public further and higher education providers” and for the words “both from public and private institutions” there shall be substituted the words “both from public and private providers”; and

(b) in the Maltese text of sub-article (2) thereof, for the words “s-Segretarjat tagħhom” there shall be substituted the words “s-Segretarjat tagħha”.

Amendment of article 69 of the principal Act.

13. In sub-article (12) of Article 69 of the principal Act, for the words “public and private institutions” there shall be substituted the words “public and private providers”.

Amendment of article 71 of the principal Act.

14. In the English text of sub-article (4) of Article 71 of the principal Act, for the words “may establish in agreement with the Minister” there shall be substituted the words “may establish in agreement with the Minister”.

Addition of new article to the principal Act.

15. Immediately after article 71 of the principal Act there shall be added the following new article:

“Further and Higher Education Ombudsman. Cap. 385.

71A. (1) There shall be an Ombudsman for Further and Higher Education who shall be appointed for a term of five years by the Ombudsman appointed in terms of the Ombudsman Act, hereinafter referred to as “the Parliamentary Ombudsman”. He shall have the duty to investigate and report on any complaint by the students or employees of state-owned providers of further or higher education on matters related to such providers as well as complaints by persons who have been refused entry into any programme offered by such providers, and to suggest redress. Complainants, who have exhausted this remedy may still bring their complaint to the Parliamentary Ombudsman. The Ombudsman for Further and Higher Education shall be paid such salary and allowances, which shall be a charge on the Consolidated Fund, as may be determined by the Minister.

(2) The Ombudsman for Further and Higher Education may only be removed from office by the Parliamentary Ombudsman following consultation with the Prime Minister, and this for proved inability to perform the functions of his office or proved misbehaviour.”.

Amendment of article 74 of the principal Act.

16. In article 74 of the principal Act, sub-articles (15) and (16) thereof shall be deleted and sub-articles (17) and (18) thereof shall be renumbered as sub-articles (15) and (16) respectively.

17. For paragraph (e) of article 79 of the principal Act there shall be substituted the following: Amendment of article 79 of the principal Act.

“(e) to recognise degrees, diplomas, certificates and distinctions of foreign universities or providers of higher education for the purpose of admission to a programme of the University;”.

18. In subarticle (2) of article 89 of the principal Act, for the words “Malta Qualifications Council” there shall be substituted the words “National Commission for Further and Higher Education”. Amendment of article 89 of the principal Act.

19. In subarticles (3) and (4) of article 93 of the principal Act, for the words “Malta Qualifications Council” there shall be substituted the words “National Commission for Further and Higher Education”. Amendment of article 93 of the principal Act.

20. Article 135 of the principal Act shall be amended as follows: Amendment of article 135 of the principal Act.

(a) for paragraph (t) thereof, there shall be substituted the following:

“(t) to provide processes of licensing, accreditation, quality assurance and recognition;”;

(b) immediately after paragraph (t) there shall be added the following new paragraphs:

“(u) to provide processes for the validation of informal and non-formal learning with the aim of such validation to be classified at a level of the Malta Qualifications Framework;

(v) to provide for any matter relating to the teaching of English as a foreign language;

(w) to regulate access to and gathering of information, statistics and data by the National Commission for Further and Higher Education and the Secretariat of the same Commission, that are both established by articles 64 and 70 respectively;

(x) to extend the functions of the National Commission for Further and Higher Education as provided under article 65(o);

(y) to provide for the establishment and description, from time to time, of the Malta Qualifications Framework as defined in article 63; and

(z) to establish administrative fines not exceeding a penalty of four thousand Euro (4,000) to which any person, school, provider or body corporate contravening any regulations made under this Act may become liable:

Provided that –

(a) the Minister may by regulations designate which competent authority shall be responsible for imposing and enforcing such administrative fines with respect to the regulations concerned;

(b) when any administrative fine imposed under this paragraph becomes final, it shall constitute an executive title for the effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.”.

Objects and Reasons

The objects of this Bill are to make provision for the updating of various parts in the Education Act which are required for the better functioning of the educational sectors concerned, namely schools within compulsory education, examinations, the teaching profession and further and higher education. In particular, the Bill aims to upgrade the relevant definitions of the Act with the aim of providing a clearer picture of the various aspects of the further and higher education and with a view to reflecting European and national developments in this field. It also serves to attribute additional functions to the National Commission on Higher Education in order for it to be able to undertake functions relating to qualifications, recognition, licensing, accreditation and quality assurance of further and higher education. This serves to streamline the various regulatory and policy functions within further and higher education into one single entity and to enable the adoption of subsidiary legislation in related areas in order to regulate the sector.