

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

17th June, 2014

ACT No. XX of 2014

AN ACT to make provision for the regulation of the youth work profession and to provide for matters connected therewith or ancillary thereto.

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 short title of this Act is the Youth Work Profession Act, 2014. Short title and commencement.

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

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

"adaptation period" means a period during which a person may exercise the profession of youth work in Malta under the supervision of a registered youth worker, 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 Youth Work Profession Board established by article 4;

"the Minister" means the Minister responsible for Youth;

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

(a) the taking up or pursuit of the profession of youth work; and

(b) the use, in the course of such pursuit, of the professional title of "Registered Youth Worker" or the designatory letters "RYWrkr";

"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 youth 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 as may be prescribed for the purpose of article 3(3)(e);

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

Cap. 490.

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

"warrant" means a warrant issued under article 6;

"youth work" in Malta is a non-formal learning activity aimed at the personal, social and political development of young people.

Youth workers engage with young people 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.

Youth work takes into account all strands of diversity and focuses on all young people between thirteen (13) to thirty (30) years of age.

Warrant
required to
practise
profession.

3. (1) No person shall hold himself out to be a professional youth worker or exercise the profession of a youth worker against remuneration or otherwise or hold himself to be professionally qualified to do so or assume the title or designation of a registered professional youth worker unless he is the holder of a warrant issued under this Act.

(2) The warrant under sub-article (1) shall not entitle the holder thereof to exercise the profession of youth work in such areas of specialised youth work as may be prescribed by the Minister as requiring additional qualifications and, or, training, unless the warrant so specifies.

(3) A person shall not qualify for a warrant unless such person:

(a) is a citizen of Malta, or of a Member State or is otherwise legally entitled or authorised to work in Malta;

(b) is of good conduct;

(c) is registered in the Register of Youth Workers referred to in article 5(1)(d);

(d) is not registered in the Register established under the Protection of Minors (Registration) Act;

Cap. 518.

(e) is in possession of the Honours Degree in Youth and Community Studies conferred by the University of Malta or a Masters in Youth and Community Studies conferred by the University of Malta as from academic year 2011/2012 or a Masters in Youth Ministry conferred by the University of Malta, 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 he has received adequate experience in the practice of the profession of youth worker 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 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 Youth Work Profession Board which shall consist of seven members:

(a) four appointed by the Minister as follows:

(i) one shall be a chairperson who shall be of recognised standing in youth work;

(ii) two members who have a background in youth work, the youth work profession, or any other background which may contribute towards the furtherance of the profession of youth work; and

(iii) one member nominated from the National Youth Council;

(b) two members 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 youth work at the University of Malta:

(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 youth workers.

(3) Members of the Board shall hold office for a term of two years:

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.

(4) 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.

(5) In the event that any Board member vacates his office before completing the appointed term, the person appointed in his stead shall be appointed for the remaining period of the original appointment.

(6) The number of members attending a meeting, necessary to form a quorum, shall be four, but subject to the presence of a quorum, the Board may act notwithstanding any vacancy among its members.

(7) The Minister shall designate a public officer to act as secretary to the Board, but such secretary shall not have a vote.

(8) The chairperson of the Board shall have both an original vote and, in the case of a tie, a casting vote.

(9) Save as aforesaid and as may be prescribed, the Board may make its own rules and otherwise regulate its own procedures.

(10) The meetings of the Board shall be summoned by the Chairperson and the Board shall meet as often as may be necessary, but at least once every three months.

(11) In the exercise of its functions under this Act, the Board may consult with such persons as it may deem appropriate. For such purpose, the Board may invite any such person to attend meetings of the Board.

(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.

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 youth work in Malta, and in particular to:

Functions of the Board.

(a) establish and, where necessary, assess existing youth work standards and develop new continuing youth work professional development and other standards, and recommend to the Minister in relation to initial and continuing youth work 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 youth work;

(c) examine applications for a warrant to practice the profession of youth work in Malta and make recommendations to the Minister on the award or refusal thereof;

(d) keep an official register of all registered youth workers;

(e) keep an official register of all associations and partnerships of youth workers;

(f) keep such information as may be required in relation to associations representing youth workers 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 youth workers, 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 youth worker;

(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 youth worker 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 youth workers, and a list of associations and partnerships registered in the official register of associations and partnerships of youth workers.

(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 youth work in Malta shall make an application to the Board. Applications for a warrant.

(2) If the Board is satisfied that the applicant satisfies 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 youth work 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 thereunder.

(6) In the consideration of an application by any person or by a warrant holder for the practice of the profession in a specialisation of youth work, the Board may direct that such person shall, in addition to the submission of such qualifications as may be prescribed, undertake and successfully complete such training or adaptation period as the Board may indicate.

(7) A warrant issued under this Act shall continue to have effect provided that the warrant holder shall prove to the satisfaction of the Board that he has carried out such programme or programmes of continuing professional development as may be prescribed:

Provided that when a warrant holder fails to prove to the satisfaction of the Board that he has carried out such programme or programmes of continuing professional development, the warrant of the warrant holder shall be considered suspended until such time as he proves to the satisfaction of the Board that he meets the requirements that may be prescribed.

A 392

Decisions of the Board.

7. The Board shall consider and make its recommendations on an application for a warrant to practice the profession of youth worker 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.

Professional liability.

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

(2) A youth worker may apply to the Board to exempt him 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 youth workers from the provisions of sub-article (1).

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

Disqualification from a warrant.

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 liable to imprisonment for a term exceeding one year.

(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 youth worker. Discipline.

(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 his warrant;

(f) acting in a manner which may be detrimental to the youth work profession;

(g) displaying lack of knowledge, skill or judgment in the practice of the profession of youth work or in the carrying out of a duty or obligation undertaken in the practice of youth work.

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

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

(a) if it finds in favour of the youth worker, dismiss the case; or

(b) if it finds the youth worker guilty of the alleged professional misconduct, gross negligence or incompetence,

make a report of its findings and submit it to the Minister together with its recommendation for the imposition of any of the following penalties:

(i) suspension or cancellation of the warrant, subject to such conditions as may be recommended;

(ii) suspension or cancellation of the registration of a partnership or association of youth workers;

(iii) imposition of conditions to be attached to a warrant;

(iv) reprimand;

(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 youth worker the Board shall strike off the name of such person from the official register of youth workers.

Cap. 273. (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.

Appeals. Cap. 490. **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 his regard, he may appeal to the said Tribunal against such decision not later than twenty days of service upon him of 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.

Reinstatement. **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 youth worker has been reinstated, such youth worker shall be registered in the official register.

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

Associations of Youth Workers.

(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 ten registered youth workers 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 youth workers", having for its exclusive object the practice of the profession of youth work and such powers as are necessary for the attainment of the objects of the partnership.

Partnerships of Youth Workers.

(2) No person other than a warrant holder may be a partner in a partnership of youth workers.

(3) Any such partnership shall, when duly formed according to law and on 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 "youth workers" 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 youth workers under this Act:

Provisions applicable to partnership of youth workers.

(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 youth workers shall not cease, in respect of such person, by his retirement, death or other cause by which he ceases to be a partner.

(2) Notwithstanding the forgoing provisions of this article, no partner shall exercise the profession of youth work in a specialised area if he is not so entitled by virtue of a warrant, unless he is acting under the supervision of a partner who is in possession of a warrant that entitles him to perform the youth work profession in such specialised area.

Articles
applicable to
partnerships.

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

Offences.

17. (1) Any person who, for the purpose of obtaining a warrant or registering a partnership of youth workers 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 youth work or assumes the designation of, or purports to be, a youth worker or carries out any youth work 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 "Youth Worker" in relation to a partnership of youth workers 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 youth workers 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 "youth worker", "registered youth worker" in relation to a name, or "partnership of youth workers" in relation to a partnership, or "association of youth workers" 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 youth work during an adaptation period or when in training, in any case under the appropriate supervision of a registered youth worker 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 youth work 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 youth worker for the purpose of practicing youth work.

(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.

A 398

Administrative penalties.

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

Regulations.

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 youth work profession, and, without prejudice to the generality of the foregoing, such regulations may in particular include provisions with respect to -

(a) the establishment of youth work practice, standards, procedures and other duties and practices to be followed by youth workers, either generally or in particular fields of activity;

(b) the professional conduct and Code of Ethics of youth workers and the standards of competency and integrity to be kept by the profession;

(c) the requirements in relation to continuing professional development 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 youth 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 youth workers for their professional services;

(g) the procedures to be followed in cases of professional misconduct;

(h) 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 youth worker in such establishments or agencies as may be prescribed;

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

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

(k) 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);

(l) 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 youth work that makes him 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). Transitory provisions.

(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 youth worker.

(3) Notwithstanding the other provisions of this Act, any person who satisfies the Board that he is in possession of a Master in Youth and Community Studies recognised by the University of Malta prior to 2012 and including professional training, or a degree of Bachelor of Arts - B.A. - Youth and Community Studies prior to 2004, recognised by the University of Malta, 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.

A 400

Passed by the House of Representatives at Sitting No. 161 of the
10th June, 2014.

ANĠLU FARRUGIA

Speaker

JOSANNE PARIS

Acting Clerk to the House of Representatives
