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UNDERSTANDING THE MFHEA CONSULTATION ON FOREIGN AWARDED PROGRAMMES 2026

**Independent stakeholder
guidance - MQE technical
position question by question.**

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UNDERSTANDING THE MFHEA CONSULTATION ON FOREIGN AWARDED PROGRAMMES 2026

Independent Stakeholder Guidance - MQE Technical Position Question by Question

Purpose of the guide. To support Higher Education providers and other stakeholders in the informed reading of the Feedback Form relating to the [Quality Assurance, Authorisation and Monitoring of Foreign Awarded Programmes](#).

For each question, MQE sets out a direct and motivated technical position. The MQE position is not a suggested answer: each stakeholder remains free to agree, disagree or formulate their own assessment based on their own experience and regulatory situation.

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Malta Quality Education

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Policy on the Quality Assurance, Authorisation and Monitoring of Foreign Awarded Programmes

Technical guidance for stakeholders – independent position of Malta Quality Education

1. Introduction

The MFHEA consultation proposes a framework for quality assurance, authorisation and monitoring of foreign awarded programmes delivered in Malta. The model introduces four graduated pathways according to the possibility of relying on existing external quality assurance.

This guide is prepared by ARP Group Ltd through the Malta Quality Education (MQE) brand. For each question, MQE formulates an independent technical position, explains the reasons for it and indicates the aspects that each institution should evaluate independently. It does not contain pre-packaged answers and does not claim to represent the position of the sector.

When the draft does not allow a certain conclusion, the guide indicates the need for clarification by the Authority. The observations must be read together with the official Policy and the concrete regulatory situation of the stakeholder.

2. How to use the guide

The official wording of the questions is kept in English without translation. The MQE commentary considers S.L. 607.03, Chapter 607, the Programme Accreditation Standards and Procedures, the External Quality Assurance framework and, where relevant, the MFHEA rules on online and blended provisioning.

Two issues run through the whole analysis. The first is the relationship between the new concept of "authorisation" and the categories already provided for in the legislation, including the approval of foreign programme accreditation under Regulation 43(4). The second concerns the scope: the Policy states that it applies regardless of the level of the programme, but Pathways 3 and 4 refer to the Higher Education Programme Accreditation Standards. This link needs to be clarified for Further Education.

3. Preliminary technical reading of the framework

MQE positively assesses the risk-based approach and the objective of avoiding unnecessary duplication. S.L. 607.03 already allows, for programs leading to foreign qualifications, to request the approval of a foreign accreditation; MFHEA assesses the credentials and reputation of the agency and the process to which the program has been subjected. For Higher Education, the MFHEA standards also include processes through EQAR agencies after verification of transparency, independence, experience and alignment of the process.

The main criticality is therefore not the existence of a reliance model, but the precision with which comparability, sufficient assurance, direct verification, material regulatory gap, significant concerns, reassignment and the effects of authorization are defined.



4. Pathway 1 – Collaborative Quality Assurance

Q5 – Is further clarification regarding the purpose and application of Pathway 1 required? Please specify.

Summary of MQE's position

Yes – the scope of application requires clarification.

MQE Comment

Pathway 1 introduces a logic that can be shared: MFHEA can participate in, observe or rely on a process led by a foreign body, without replacing it with its own audit. However, it is not clear whether the existence of a collaborative arrangement between authorities is a necessary condition, a preferential factor or a simple mode of operation. For us, access should depend above all on public criteria on the recognition, independence, methodology, scope, validity and verifiability of the foreign process, avoiding that the provider depends on institutional agreements that it does not control.

Elements to consider in your answer

- Status and recognition of the foreign QA body involved.
- Effective scope of the foreign trial and coverage of the provision intended for Malta.
- Impact of timing, agreements between authorities and access to evidence on one's case.

Q6 – Does Pathway 1 provide a clear understanding of the circumstances in which a collaborative or foreign-led quality assurance process may be relied upon? If not, please identify what requires clarification.

Summary of MQE's position

Partially – the logic is clear, the boundary with Pathway 2 less so.

MQE Comment

The conceptual distinction is understandable, but Pathway 1 and Pathway 2 can overlap: both allow for reliance on external QA. The Policy should distinguish between a process that is still to be carried out or in progress, the prior involvement of MFHEA, the review that has already been completed and the coverage of Malta delivery. A decision tree would reduce divergent results in comparable cases.

Elements to consider in your answer

- Status and recognition of the foreign QA body involved.
- Effective scope of the foreign trial and coverage of the provision intended for Malta.
- Impact of timing, agreements between authorities and access to evidence on one's case.

Q7 – Do you consider the proposed criteria for applying Pathway 1 to be appropriate and proportionate? If not, please explain which criterion or criteria should be revised.

Summary of MQE's position

Adequate, but with reservations on proportionality.

MQE Comment

The proposed criteria are consistent with a risk-based model, but nature, scale and complexity are broadly formulated. For us, these factors should affect the intensity of the verification, not prevent reliance when external assurance is already sufficient. The decision should be justified against published criteria.



Elements to consider in your answer

- Status and recognition of the foreign QA body involved.
- Effective scope of the foreign trial and coverage of the provision intended for Malta.
- Impact of timing, agreements between authorities and access to evidence on one's case.

Q8 – Do you consider the proposed role of the Authority under Pathway 1 to be sufficiently clear and appropriate? If not, please explain what should be revised.

Summary of MQE's position

Yes, in general – it is necessary to delimit the additional intervention.

MQE Comment

It is appropriate for the foreign body to retain ownership of the process and for MFHEA to retain the Maltese regulatory decision. However, the clause allowing additional information, conditions or refusal of reliance should be linked to identifiable triggers, otherwise the collaboration risks turning into a second audit.

Elements to consider in your answer

- Status and recognition of the foreign QA body involved.
- Effective scope of the foreign trial and coverage of the provision intended for Malta.
- Impact of timing, agreements between authorities and access to evidence on one's case.

Q9 – Are the proposed responsibilities of the external quality assurance body sufficiently clear? If not, please identify where further clarification is required.

Summary of MQE's position

Partially – operational responsibilities need to be specified.

MQE Comment

The Policy assigns methodology, coordination, expert review, evidence gathering, reporting and conclusions to the foreign body. However, there are no minimum rules on MFHEA's access to reports, confirmation of scope, communication of adverse findings, open conditions, confidentiality and authenticity of the decision. These are necessary aspects when the Maltese authorisation depends on a process not directly controlled by MFHEA.

Elements to consider in your answer

- Status and recognition of the foreign QA body involved.
- Effective scope of the foreign trial and coverage of the provision intended for Malta.
- Impact of timing, agreements between authorities and access to evidence on one's case.

Q10 – Are there any additional requirements which should be satisfied before the Authority relies upon a quality assurance process led by another quality assurance body? Please specify.

Summary of MQE's position

Yes – we need verifiable minimum requirements.

MQE Comment

We consider it appropriate to require proof of official recognition of the body, independence, public methodology, scope, validity, conflicts of interest and reporting. For Higher Education, the MFHEA



standards already include EQAR agencies, subject to verification of transparency, independence, experience and alignment with ESG and NQAF. The Policy should clarify the weight of this status in the reliance assessment.

Elements to consider in your answer

- Status and recognition of the foreign QA body involved.
- Effective scope of the foreign trial and coverage of the provision intended for Malta.
- Impact of timing, agreements between authorities and access to evidence on one's case.

Q11 – Do you anticipate any practical challenges in the implementation of Pathway 1? Please explain.

Summary of MQE's position

Yes – coordination criticalities are foreseeable.

MQE Comment

Time, document exchange, access to evidence, methodological differences and the willingness of the foreign body to involve MFHEA can make Pathway 1 complex. A preliminary pathway determination phase, with evidence list and indicative times, would allow the provider to know the path before incurring costs or starting the foreign audit.

Elements to consider in your answer

- Status and recognition of the foreign QA body involved.
- Effective scope of the foreign trial and coverage of the provision intended for Malta.
- Impact of timing, agreements between authorities and access to evidence on one's case.

Q12 – Are any aspects missing from Pathway 1 which you consider necessary to provide sufficient quality assurance and regulatory oversight? Please specify.

Summary of MQE's position

Yes – procedural criteria and guarantees are lacking.

MQE Comment

The application, minimum evidence, time of decision, duration of the reliance, conditions for review and reason for the refusal should be clarified. An express connection with S.L. 607.03, Regulation 43(4), which already regulates the approval of foreign programme accreditation, should also be clarified.

Elements to consider in your answer

- Status and recognition of the foreign QA body involved.
- Effective scope of the foreign trial and coverage of the provision intended for Malta.
- Impact of timing, agreements between authorities and access to evidence on one's case.

Q13 – Any additional comments on Pathway 1?

Summary of MQE's position

Favorable to logic, with the need for greater certainty of application.

MQE Comment

Pathway 1 can reduce duplication if external QA is credible. Comparability should be substantial and not require methodological identity: recognised systems may use different procedures offering



equivalent assurance. Access should not depend decisively on the existence of agreements between authorities.

Elements to consider in your answer

- Status and recognition of the foreign QA body involved.
- Effective scope of the foreign trial and coverage of the provision intended for Malta.
- Impact of timing, agreements between authorities and access to evidence on one's case.

5. Pathway 2 – Recognition of External Programme and Delivery Review

Q14 – Is further clarification regarding the purpose and application of Pathway 2 required? Please specify.

Summary of MQE's position

Yes – the verification-based EQA audit should be defined.

MQE Comment

Pathway 2 is clear in its objective, but MFHEA provides for its own verification-based EQA audit. To avoid duplication, this verification should focus on authenticity, scope, validity, independence, applicability to Malta delivery, open conditions and specific national requirements not covered, without repeating the substantive assessment already carried out.

Elements to consider in your answer

- If the program and Malta delivery were expressly in the scope of the foreign review.
- What direct verification activities have been carried out.
- Which Maltese requirements would remain uncovered and with what impact.

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Q15 – Does Pathway 2 provide a clear understanding of the circumstances in which the Authority may rely upon an existing external quality assurance review? If not, please identify what requires clarification.

Summary of MQE's position

Partially – the assumptions are clear, the reliance threshold is not.

MQE Comment

The Policy requires recognized external QA, program and Malta delivery in scope, direct verification and valid decision. However, it does not define how similar the process should be methodologically to MFHEA. We believe that comparability should mean substantial equivalence of assurance, not formal replication of the same steps.

Elements to consider in your answer

- If the program and Malta delivery were expressly in the scope of the foreign review.
- What direct verification activities have been carried out.
- Which Maltese requirements would remain uncovered and with what impact.



Q16 – Do you consider the proposed eligibility criteria for Pathway 2 to provide sufficient assurance that both the programme and its delivery arrangements have been appropriately reviewed? If not, please explain which criterion or criteria should be revised.

Summary of MQE's position

Yes, in general – with clarifications for digital delivery.

MQE Comment

It is correct to require that the Maltese delivery has been verified. In online or blended models, however, the delivery location does not always coincide with a physical location. The scope should include platform governance, learner support, assessment integrity, staff interaction, technical arrangements and operational responsibilities relevant to Malta.

Elements to consider in your answer

- If the program and Malta delivery were expressly in the scope of the foreign review.
- What direct verification activities have been carried out.
- Which Maltese requirements would remain uncovered and with what impact.

Q17 – Is it sufficiently clear what evidence should demonstrate that the programme and the Maltese delivery arrangements were within the scope of the external quality assurance review? If not, please explain what further guidance is required.

Summary of MQE's position

No – the evidence required is not defined with sufficient precision.

MQE Comment

MFHEA should publish indicative evidence set: audit report, terms of reference, scope statement, decision letter, delivery locations, panel composition, conditions and follow-up. A formal confirmation from the foreign body attesting to the inclusion of Malta delivery in the scope should also be acceptable.

Elements to consider in your answer

- If the available documents expressly name Malta or the delivery partner.
- Whether the scope can be proven with a report, annex, terms of reference or letter from the agency.
- Any access limits to the full report.

Q18 – Is further clarification required regarding what constitutes direct verification of programme implementation and delivery? Please specify.

Summary of MQE's position

Yes – direct verification must be defined.

MQE Comment

The Policy excludes documentary review only from Pathway 2, which is understandable. Direct verification can however include site visits, live online interviews, observation, assessment sampling, access to the VLE and student meetings. The rule should test the actual implementation, without making a physical presence mandatory when an equivalent method offers sufficient assurance.



Elements to consider in your answer

- If the program and Malta delivery were expressly in the scope of the foreign review.
- What direct verification activities have been carried out.
- Which Maltese requirements would remain uncovered and with what impact.

Q19 – Do you consider the proposed approach to verifying the external quality assurance body, review, decision and supporting documentation to be sufficient? If not, please explain what additional verification should be required.

Summary of MQE's position

Adequate, but incomplete.

MQE Comment

Credibility, independence, scope, validity and enforceability are appropriate criteria. Methodological transparency, conflicts of interest, panel expertise, factual accuracy, follow-up and verification of authenticity should be added. Higher Education requires coordination with the EQAR agency regime and Regulation 43(4).

Elements to consider in your answer

- If the program and Malta delivery were expressly in the scope of the foreign review.
- What direct verification activities have been carried out.
- Which Maltese requirements would remain uncovered and with what impact.

Q20 – Do you anticipate any practical challenges in meeting the requirements of Pathway 2? Please explain.

Summary of MQE's position

Yes – evidence, timing, and access to reports can be challenging.

MQE Comment

The provider may not have all the internal documents of the agency or awarding body and the foreign cycle may not coincide with the Maltese calendar. The Policy should allow direct confirmations between the MFHEA and the QA body and indicate service standards; otherwise, a pathway designed to reduce duplication remains unpredictable.

Elements to consider in your answer

- If the program and Malta delivery were expressly in the scope of the foreign review.
- What direct verification activities have been carried out.
- Which Maltese requirements would remain uncovered and with what impact.

Q21 – Are any aspects missing from Pathway 2 which you consider necessary to establish sufficient assurance regarding the programme and its delivery in Malta? Please specify.

Summary of MQE's position

Yes – we need criteria for residual risk and national requirements.



MQE Comment

It should be made explicit how to deal with specifically Maltese requirements not examined abroad and how to weigh open recommendations or conditions. We propose a targeted gap review: MFHEA only verifies gaps that are materially relevant to Malta, without turning Pathway 2 into a full audit.

Elements to consider in your answer

- If the program and Malta delivery were expressly in the scope of the foreign review.
- What direct verification activities have been carried out.
- Which Maltese requirements would remain uncovered and with what impact.

Q22 – Any additional comments on Pathway 2?

Summary of MQE's position

Positive, if the verification remains truly non-duplicative.

MQE Comment

Pathway 2 may be the most effective mechanism when the program and delivery have already been verified. Its usefulness depends on the clear distinction between verification and reassessment and on the clarity of time, cost, evidence requirements and formal output of the reliance.

Elements to consider in your answer

- If the program and Malta delivery were expressly in the scope of the foreign review.
- What direct verification activities have been carried out.
- Which Maltese requirements would remain uncovered and with what impact.

6. Pathway 3 – Local Delivery Audit

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Q23 – Is further clarification regarding the purpose and application of Pathway 3 required? Please specify.

Summary of MQE's position

Yes – the scope of the Local Delivery Audit needs to be more defined.

MQE Comment

Pathway 3 correctly separates programme assurance and local implementation. However, the Policy refers to the Programme Accreditation Standards for Higher Education while claiming to be applicable regardless of the level of the programme. For us, the standard applicable to Further Education or an equivalent framework for MQF 1–4 must be identified.

Elements to consider in your answer

- Which items have already been externally validated and should not be duplicated.
- What risks are specific to Maltese delivery, including digital delivery if relevant.
- What local evidence would provide sufficient assurance in a proportionate manner.

Q24 – Does Pathway 3 provide a clear understanding of when a Local Delivery Audit would be required? If not, please identify what requires clarification.

Summary of MQE's position

Partially – the main trigger is clear, the discretionary one is broad.



MQE Comment

Malta delivery was not included in the foreign audit. More open is the possibility to request additional assurance. This should be linked to triggers such as substantive changes, weak oversight, adverse findings, new delivery partner or student-specific risks, so as to make the boundary with Pathway 2 predictable.

Elements to consider in your answer

- Which items have already been externally validated and should not be duplicated.
- What risks are specific to Maltese delivery, including digital delivery if relevant.
- What local evidence would provide sufficient assurance in a proportionate manner.

Q25 – Do you consider the proposed scope of the Local Delivery Audit to be appropriate and proportionate to the quality assurance already undertaken in relation to the programme? If not, please explain what should be revised.

Summary of MQE's position

Yes, if the Local Delivery Audit remains strictly targeted.

MQE Comment

It is proportionate not to review design, learning outcomes, structure and content that have already undergone recognised external QA. The local audit should focus on governance, staffing, resources, assessment administration, support, IQA, student protection and implementation of the awarding body requirements. The reopening of academic aspects should require a justified material concern.

Elements to consider in your answer

- Which items have already been externally validated and should not be duplicated.
- What risks are specific to Maltese delivery, including digital delivery if relevant.
- What local evidence would provide sufficient assurance in a proportionate manner.

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Q26 – Are the areas to be considered as part of the Local Delivery Audit sufficiently clear? If not, please identify any areas which should be clarified, added or removed.

Summary of MQE's position

Partially – you need a checklist of scopes.

MQE Comment

The summary table identifies relevant areas but does not translate them into minimum criteria and evidence. Online or blended provisions should include VLE governance, digital learner support, identity and assessment integrity, educator interaction, technical support and business continuity, when relevant.

Elements to consider in your answer

- Which items have already been externally validated and should not be duplicated.
- What risks are specific to Maltese delivery, including digital delivery if relevant.
- What local evidence would provide sufficient assurance in a proportionate manner.



Q27 – Do you consider it appropriate that programme design, learning outcomes, programme structure and academic content already subject to external quality assurance would not normally be reassessed? If not, please explain under what circumstances these areas should be reviewed.

Summary of MQE's position

Yes – it is a correct principle, with the exception of material concerns.

MQE Comment

We agree with the non-duplication of QA already carried out. Academic aspects should be reopened only if the program delivered differs from the one evaluated, there are unapproved substantive changes, or local delivery makes outcomes and assessments unfeasible. The reason for the exception should be expressed.

Elements to consider in your answer

- Which items have already been externally validated and should not be duplicated.
- What risks are specific to Maltese delivery, including digital delivery if relevant.
- What local evidence would provide sufficient assurance in a proportionate manner.

Q28 – Do you consider the proposed outcome of a Local Delivery Audit to be sufficiently clear and proportionate? If not, please explain what should be revised.

Summary of MQE's position

Not fully – there is an inconsistency that needs to be corrected.

MQE Comment

The positive outcome is understandable. In the case of material deficiencies, however, the Policy states that MFHEA may require corrective action, conditions or that the program "undergo Pathway 3", even though it is already in Pathway 3. The wording must be corrected or clarified, distinguishing remediation in the same pathway from possible reassignment at a more intense level.

Elements to consider in your answer

- How a remediable local deficiency should be managed.
- What threshold would justify a reassignment to a more intensive audit?
- Effect of conditions on recruitment and delivery in progress.

Q29 – Do you anticipate any practical challenges in the implementation of a Local Delivery Audit? Please explain.

Summary of MQE's position

Yes – the main risk is document and operational duplication.

MQE Comment

The Local Delivery Audit can become burdensome if it requires a dossier equivalent to a full accreditation. The foreign evidence already accepted should be incorporated by reference and the new request limited to the Maltese delivery. Timing, site visits and involvement of the awarding body should also be coordinated with the academic calendar.

Elements to consider in your answer

- Which items have already been externally validated and should not be duplicated.



- What risks are specific to Maltese delivery, including digital delivery if relevant.
- What local evidence would provide sufficient assurance in a proportionate manner.

Q30 – Are there any requirements under Pathway 3 which you consider unnecessarily burdensome or disproportionate to the purpose of a Local Delivery Audit? Please explain.

Summary of MQE's position

Potentially yes – if already validated evidence is requested.

MQE Comment

It is proportionate to verify local capacity; it is not proportionate to repeat programme design reviews, to re-request evidence that has already been accepted without a specific gap, or to carry out an extended visit when the residual risk is verifiable in a targeted manner. We support evidence reuse and targeted verification.

Elements to consider in your answer

- Which items have already been externally validated and should not be duplicated.
- What risks are specific to Maltese delivery, including digital delivery if relevant.
- What local evidence would provide sufficient assurance in a proportionate manner.

Q31 – Any additional comments on Pathway 3?

Summary of MQE's position

In favour of the model, after defining the boundary with the programme audit.

MQE Comment

Pathway 3 is useful if it has its own operational scope, also applicable to Further Education, and clear criteria for escalation. The Policy should correct the inconsistency in the Outcome and coordinate the local audit with the rules on digital delivery when the model is online or blended.

Elements to consider in your answer

- Which items have already been externally validated and should not be duplicated.
- What risks are specific to Maltese delivery, including digital delivery if relevant.
- What local evidence would provide sufficient assurance in a proportionate manner.

7. Pathway 4 – Full Programme Audit

Q32 – Is further clarification regarding the purpose and application of Pathway 4 required? Please specify.

Summary of MQE's position

Yes – especially on the relationship with current legislation.

MQE Comment

Pathway 4 is consistent with the MFHEA's power to request programme accreditation when foreign accreditation is not considered satisfactory. However, the relationship between "authorisation" and the legal categories of programme accreditation and approval of foreign accreditation provided for by S.L. 607.03, Regulation 43(4), needs to be clarified.



Elements to consider in your answer

- What concrete gap prevents reliance on external QA and how much is material.
- Whether a targeted or pathway 3 audit could manage risk without full audit.
- Impact of time, costs, conditions and continuity on students and operations.

Q33 – Does Pathway 4 provide a clear understanding of the circumstances in which a Full Programme Audit would be required? If not, please identify what requires clarification.

Summary of MQE's position

Partially – some triggers are clear, others require thresholds.

MQE Comment

Absence, expiration, inability to audit, or failure to cover are relatively objective triggers. Material regulatory gap, significant concerns, and insufficient assurance are more indeterminate. Because Pathway 4 involves the most intense scrutiny, examples or indicators are needed that distinguish a gap that can be bridged from one that requires full audit.

Elements to consider in your answer

- What concrete gap prevents reliance on external QA and how much is material.
- Whether a targeted or pathway 3 audit could manage risk without full audit.
- Impact of time, costs, conditions and continuity on students and operations.

Q34 – Do you consider the proposed grounds for assigning a programme to Pathway 4 to be appropriate and proportionate? If not, please explain which ground or grounds should be revised.

Summary of MQE's position

Adjusted in part – discretionary grounds require a materiality test.

MQE Comment

Objective grounds are appropriate. Discretionary grounds should be accompanied by materiality and a rationale explaining why Pathways 2 or 3 would not offer sufficient assurance. Full audit should be used when risk cannot be managed with less invasive verification.

Elements to consider in your answer

- What concrete gap prevents reliance on external QA and how much is material.
- Whether a targeted or pathway 3 audit could manage risk without full audit.
- Impact of time, costs, conditions and continuity on students and operations.

Q35 – Is further clarification required regarding circumstances where existing external quality assurance would be considered insufficient for reliance by the Authority? Please specify.

Summary of MQE's position

Yes – insufficient assurance must be operationalized.

MQE Comment

A foreign audit may be robust while not replicating the MFHEA methodology. The assessment should focus on independence, scope, evidence, verification of implementation, transparency, validity, and follow-up. Non-material procedural differences alone should not determine Pathway 4.



Elements to consider in your answer

- What concrete gap prevents reliance on external QA and how much is material.
- Whether a targeted or pathway 3 audit could manage risk without full audit.
- Impact of time, costs, conditions and continuity on students and operations.

Q36 – Is further clarification required regarding what may constitute a material regulatory gap for the purposes of Pathway 4? Please specify.

Summary of MQE's position

Yes – material regulatory gap requires a definition.

MQE Comment

MQE suggests linking the concept to an essential Maltese requirement not covered by external QA and capable of materially affecting academic standards, student protection, governance or lawful delivery. A document or terminology gap should not automatically be material; severity, breadth, impact and the possibility of targeted verification must count.

Elements to consider in your answer

- What concrete gap prevents reliance on external QA and how much is material.
- Whether a targeted or pathway 3 audit could manage risk without full audit.
- Impact of time, costs, conditions and continuity on students and operations.

Q37 – Do you consider the proposed outcome of Pathway 4 to be sufficiently clear? If not, please identify what requires clarification.

Summary of MQE's position

Partially – the positive outcome is clear, fewer conditions and remedies.

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MQE Comment

The Policy allows authorisation with conditions, limitations and enhanced monitoring. The relationship with the conditional accreditation provided for by S.L. 607.03 and what follow-up closes the conditions must be clarified. The factual accuracy, review or appeal mechanism applicable to the decisions of the new framework must also be indicated.

Elements to consider in your answer

- What concrete gap prevents reliance on external QA and how much is material.
- Whether a targeted or pathway 3 audit could manage risk without full audit.
- Impact of time, costs, conditions and continuity on students and operations.

Q38 – Do you anticipate any practical challenges in the implementation of Pathway 4? Please explain.

Summary of MQE's position

Yes – costs, time and duplication are real risks.

MQE Comment

A full audit can impose on the provider both the cost of the foreign and the Maltese system. The Policy should make it predictable fees, times and the possibility of reusing already reliable evidence, even when the program is assigned to Pathway 4. This directly affects intakes, contracts and staffing.



Elements to consider in your answer

- What concrete gap prevents reliance on external QA and how much is material.
- Whether a targeted or pathway 3 audit could manage risk without full audit.
- Impact of time, costs, conditions and continuity on students and operations.

Q39 – Are any aspects missing from Pathway 4 which you consider necessary to provide sufficient quality assurance and regulatory oversight? Please specify.

Summary of MQE's position

Yes – details on procedure, transition and guarantees are missing.

MQE Comment

Pathway 4 should indicate the standard applicable to Further Education, the appeal/review procedure, the treatment of foreign evidence already available and the relationship with conditional accreditation. A connection with the transitional provisions for already authorized programs and enrolled students is also needed.

Elements to consider in your answer

- What concrete gap prevents reliance on external QA and how much is material.
- Whether a targeted or pathway 3 audit could manage risk without full audit.
- Impact of time, costs, conditions and continuity on students and operations.

Q40 – Any additional comments on Pathway 4?

Summary of MQE's position

Necessary, but to be used as a proportionate last option.

MQE Comment

We consider full audit necessary when external assurance is absent or unreliable. However, it should not become the default whenever the foreign documentation differs from the MFHEA model. The framework should apply escalations: first targeted gap review, then full audit when the residual risk remains material or unverifiable.

Elements to consider in your answer

- What concrete gap prevents reliance on external QA and how much is material.
- Whether a targeted or pathway 3 audit could manage risk without full audit.
- Impact of time, costs, conditions and continuity on students and operations.

8. Overall Pathway Framework

Q41 – Do the four proposed pathways provide a clear and comprehensive framework for determining the level of quality assurance required for foreign awarded programmes? If not, please explain what should be revised.

Summary of MQE's position

Partially – the architecture is good, but not yet complete.

MQE Comment

The four pathways build a comprehensible scale of reliance. Transversal gaps remain: Further Education, relationship with Regulation 43(4), nature of authorisation, comparability, direct



verification, material regulatory gap, time and fees, appeals, material changes, transition and online/blended models. Without these elements, the structure is not yet fully predictable on an operational level.

Elements to consider in your answer

- Which pathway would presumably be applicable to your portfolio.
- Where one's case shows overlaps, gaps or risks of inconsistency.
- What clarifications would make the decision more predictable without reducing the assurance.

Q42 – Are the distinctions between the four pathways sufficiently clear to allow the applicable pathway to be determined consistently? If not, please identify where overlap or uncertainty may arise.

Summary of MQE's position

Not fully – there are areas of overlap.

MQE Comment

Between Pathways 1 and 2 it is not always clear when foreign-led collaboration prevails and when the recognition of a completed review prevails. Between 2 and 3 the point is the sufficiency of the Malta delivery verification; between 3 and 4 is the threshold that transforms a local delivery concern into a full programme concern. We recommend a Reliance Assessment Matrix or decision tree.

Elements to consider in your answer

- Which pathway would presumably be applicable to your portfolio.
- Where one's case shows overlaps, gaps or risks of inconsistency.
- What clarifications would make the decision more predictable without reducing the assurance.

Q43 – Are there any circumstances involving foreign awarded programmes which are not adequately addressed by any of the four proposed pathways? Please specify.

Summary of MQE's position

Yes – some scenarios require express discipline.

MQE Comment

The Policy does not deal with Further Education in sufficient detail; branch campuses of the same legal entity, while the definition requires legally distinct awarding bodies and providers; fully online or distributed provisions; micro-credentials, so the same intensity of a full qualification can be disproportionate. Joint awards and shared responsibilities should also be clarified.

Elements to consider in your answer

- Whether your model concerns FE, branch campus, online provision or micro-credentials.
- Whether awarding body and delivering provider are legally distinct.
- If the scale of the provision requires a simplified but equivalent mode in assurance.



Q44 – Is further clarification required regarding movement or reassignment between the four pathways? Please specify.

Summary of MQE's position

Yes – reassignment requires procedural criteria and safeguards.

MQE Comment

The ability to move a program between pathways is necessary, but the provider should know the trigger, receive a reason, be able to submit observations and understand the immediate effects on authorisation, recruitment and students. It should also be clarified whether the reassignment operates prospectively and how costs and evidence already acquired are managed.

Elements to consider in your answer

- Events that could trigger reassignments in your model.
- Effect of the transition on students and intakes already planned.
- Possibility to present evidence before the final decision.

Q45 – Any additional comments on the proposed quality assurance pathway framework?

Summary of MQE's position

The Policy is a useful foundation, but it needs consolidation before adoption.

MQE Comment

We share the goal of a risk-based framework that recognizes credible external QA and reduces duplication. The final version should strengthen reliance criteria, substantial equivalence, evidence requirements, motivation of pathway decisions, escalation, appeal/reviewability and service standards. It must also coordinate with S.L. 607.03, resolve the exclusive reference to the HE Standards for a Policy applicable at all levels and complete the transitional provision, which still contains the placeholder "12 or 24 months".

Elements to consider in your answer

- Which pathway would presumably be applicable to your portfolio.
- Where one's case shows overlaps, gaps or risks of inconsistency.
- What clarifications would make the decision more predictable without reducing the assurance.

9. Cross-cutting issues raised by the consultation

Coordination with S.L. 607.03 and nature of the authorisation

The Policy uses authorisation as the central outcome, while S.L. 607.03 regulates programme accreditation and approval of foreign accreditation. The final version should indicate the relationship between these institutions, the applicable register and the legal effect of the authorisation.

Further Education and Applicable Standards

The scope includes all levels, but Pathways 3 and 4 refer to the Higher Education Programme Accreditation Standards. The framework applicable to programmes up to MQF 4 must be identified.

Reliance and comparability

Comparability should be substantial. Procedural differences between recognized systems should not automatically produce a full audit if independence, scope, evidence, and verification of implementation are adequate.



Proportionality and escalation

Verification, targeted gap review, local delivery audit, and full audit should form an effective scale. The level of scrutiny should match the residual risk.

Decision-making criteria and justification

Sufficient assurance, material regulatory gap and significant concerns require public indicators. A Reliance Assessment Matrix would make assignments and reassignments more predictable.

Material changes

The Policy requires notification within ten working days but prohibits implementing changes that require prior approval. A distinction must be made between prior approval, prior notification and subsequent notification.

Appeal and reviewability

The framework should expressly refer to factual accuracy, review and appeal. The programme accreditation standards already provide for internal appeal within 20 days; it should be clarified how the guarantees operate on pathway decisions.

Timing, fees and regulatory burden

The draft does not define service standards or fees for pathways. Duration, cost and volume of evidence affect intake, staffing, premises and financial planning.

Online, blended and distributed delivery

Delivery location and direct verification must also work for digital models, considering VLE governance, learner support, assessment integrity, educator interaction and technical support.

Transition

The transitional provision still contains a 12 or 24-month placeholder. Duration and rules for already authorized programs, ongoing cohorts, and renewals must be defined before it goes into effect.

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10. Before sending the response to the consultation

The submission should start from the real impact of the Policy on your institution and distinguish regulatory problems from organizational preferences.

Verification	✓
Have we identified pathways that could apply to our programmes and explained why?	☐
Have we distinguished a regulatory or methodological problem from a simple preference?	☐
Have we explained the concrete impact on students, standards, time, costs or business continuity?	☐
Have we verified the scope and validity of the foreign accreditation and the coverage of Malta delivery?	☐
Have we distinguished methodological differences from real assurance gaps?	☐
Have we used institutional examples or evidence when relevant?	☐
When we point out an ambiguity, have we indicated which criterion or procedure should be clarified?	☐

Have we verified consistency with S.L. 607.03, licence category and applicable standards?	☐
Have we considered already authorized programs and enrolled students?	☐
Does the final answer represent the position approved by the institution?	☐

11. Regulatory references used

- MFHEA, Policy on the Quality Assurance, Authorisation and Monitoring of Foreign Awarded Programmes – consultation document.
- MFHEA, Quality Assurance of Foreign Awarded Programmes – Feedback Form / official list of questions.
- Further and Higher Education (Licensing, Accreditation and Quality Assurance) Regulations, S.L. 607.03, with particular reference to Regulation 43.
- Further and Higher Education Act, Chapter 607.
- MFHEA, Programme Accreditation Standards and Procedures.
- MFHEA, External Quality Assurance: Accreditation Manual.
- MFHEA, guidance and communications applicable to online, blended and digital learning provisions, where relevant.

12. Editorial note

This guide is prepared by ARP Group Ltd through the Malta Quality Education (MQE) brand as an information and regulatory analysis tool to support informed participation in the MFHEA consultation. It does not constitute legal advice, does not represent the position of MFHEA and does not replace the verification of applicable official documents.

"MQE Positions" represent independent technical assessments formulated based on the Framework, the MFHEA manuals and the broader EQA context considered in this analysis. They are not suggested answers or templates to copy. Each institution should formulate its own submission, considering its own regulatory situation, EQA experience and institutional objectives.

This guide has been written with the help of artificial intelligence tools as part of the MQE research and writing process; all content is subject to human review, verification and editorial approval by MQE's professional staff, who take full editorial responsibility for its publication.

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