

STUDENT COMPLAINTS PROCEDURE



Introduction and Principles

As part of its commitment to ensuring the standard and quality of its programmes of study, services, and facilities, the Institute has established this Procedure to deal with complaints from students. Complaints provide useful feedback, information and, where appropriate, will be used to improve the student experience.

This Procedure is available for all the students registered for programmes of study at the Institute, who may submit a complaint within the timescale specified in the Procedure.

The Procedure comprises a number of stages, both informal and formal. Students who have a complaint to make should, whenever appropriate, raise it directly with the individual(s) concerned at the earliest opportunity, as matters that are dealt with informally at an early stage have the best chance of being resolved effectively. Where informal resolution has been attempted but the complainant remains dissatisfied, the formal stage may be instituted. The recipient of a formal complaint may recommend that a student pursues informal channels prior to the formal process, based on the nature and circumstances of the complaint, but it is recognised that there may be occasions where an informal approach is not appropriate, and the student may wish to proceed directly to the formal stage of the Procedure.

If it has not been possible, or it is not appropriate, to resolve matters informally, a formal complaint should be made as soon as possible, and in any case within 40 working days of the events or actions (or lack of actions) which have prompted the complaint. The Institute will not normally consider complaints made after this period unless there is a credible and compelling reason for the delay.

Every reasonable effort will be made to deal promptly and efficiently with all complaints, to investigate them thoroughly and objectively and to seek to resolve them satisfactorily. Complaints will be dealt with positively and constructively. If a complaint is upheld, the Institute will seek to provide an appropriate response and will correct any mistakes or misunderstandings and

will take any other action as appropriate. If a complaint is not upheld, then reasons for that decision will be given.

The Institute will have due regard towards maintaining confidentiality in relation to any complaint but, in order for it to be considered fully, the content may need to be disclosed to members of staff who are involved in putting the Procedure into effect, as well as individual(s) whose input may be required to respond to the issues that a student has raised. By submitting a complaint, the student consents to the disclosure, storage and sharing of information relevant to the complaint within the Institute at all stages of the Procedure. If this presents a problem for the student, they may wish to seek advice from the complaint case handler; not providing consent may however affect the Institute's ability to consider the complaint fully. A copy of the complaint casefile will also be retained in accordance with the maltese laws.

The effectiveness of this Procedure depends on the Institute being able to collect appropriate information from the parties involved in order to investigate the matter properly. For this reason, anonymous complaints will not be dealt with under this Procedure. It is at the discretion of the member of staff receiving an anonymous complaint to determine how the matter is handled.

The Institute will treat all complaints seriously and will deal with them without recrimination. When complaints are submitted, complainants and respondents should act reasonably and fairly towards each other and respectfully adhere to this Procedure. Where a complaint is shown to be frivolous, vexatious, or motivated by malice, disciplinary action may be taken against the complainant.

- a. The Institute reserves the right to terminate consideration of a complaint at any stage of this Procedure and/or restrict access to individual(s) or procedures for complainants who seek, by pursuing an unreasonable course of conduct:
 - i. To be, or are, disruptive; and/or
 - ii. Whose requests are disproportionate and/or unnecessary and/or cause disproportionate and/or repeated efforts by members of staff.

- b. Where a complaint is found to meet the above criteria, the recipient of the complaint should inform the complainant accordingly and direct them to the next appropriate stage of the Procedure.

The time limits set out in this Procedure will normally be followed. However, where, for good reason, this is not possible, the complainant will be kept informed of progress.

The Managing Director reserves the right to postpone considering, dealing with and/or responding to a complaint when the student is pursuing legal proceedings in relation to the matter.

The student may seek independent and impartial advice and guidance in preparing a complaint from the Student Office.

Definition and Scope of the Procedure

The Institute defines a complaint as ‘an expression of dissatisfaction by one or more students about the Institute’s action or lack of action, the standard of service provided by the Institute.

The Procedure is designed for complaints in respect of the student’s experience at the Institute related to:

- a. the provision of programmes, or parts of programmes of study, services, or facilities by the Institute.
- b. the actions or lack of actions by the Institute or its staff.
- c. allegations of harassment, discrimination, victimisation and/or bullying by a student or member of staff.

The Procedure does not cover the appeals against decisions of an Examination Board (or equivalent body) where a student is seeking an academic remedy (Academic Appeals Procedure).

Information about the procedures can be obtained from the course handbook, the Student Office, or the Tutors.

If there is any overlap between the issues raised in a complaint, and a related matter, the allocated case handler(s) will determine how such cases are to be handled e.g., by pausing an academic appeal so that the complaint can be considered first, by amalgamating the cases together etc. A student will be given notification of such arrangements.

This Procedure can be used by students for both individual and collective complaints. It is expected that the student(s) concerned will pursue the complaint personally; complaints submitted by a third party will not be accepted unless accompanied by written authorisation from the student(s). Complaints by a group of students are often of a general nature where it is usually more appropriate for the students to raise the matter with a student representative in the first instance. Complaints may then be made by the group of students if the relevant representation system has not achieved a satisfactory outcome, or if this is not thought to be an appropriate route. For formal group complaints, it is expected that there will be one student nominated to pursue the complaint on behalf of the group. Only one outcome letter will be issued in response to the complaint; it will be for the spokesperson to communicate the outcome to the rest of the group.

Informal Stage

Many complaints can be resolved informally, and the complaint should therefore be made initially to the appropriate individual(s) who seems best placed to respond. The process followed at the informal stage will be determined by reference to the nature of the issues raised and any outcomes sought by the student. Students are encouraged to commence such discussions at their earliest opportunity to enable the issues to be considered in advance of the 40 working day deadline for invoking the Formal Procedure referred to in section below.

Formal Procedure

If the student is not satisfied with the response at the informal stage, or it is not appropriate to seek to resolve matters informally, he or she may initiate a

formal complaint by submitting in writing a Complaints Report to the Student Office.

The information to be given on the Complaints Report is as follows:

- a. details of the complaint.
- b. Evidence pertaining to the complaint. This needs to be sufficiently contemporaneous and independent, to support and evidence the veracity of the circumstances described in the complaint. All evidence should allow for verification that it is accurate e.g., provided on letter headed paper, written in English (or certifiably translated), clearly state the name and author of the material, include relevant dates, have the student's name visible etc. Evidence will not be accepted at later stages of the Procedure except if requested from the case handler or without a credible and compelling explanation for its late provision.
- c. a statement of the steps already taken to try to resolve the complaint informally and why the response has not been considered to be satisfactory, or if informal resolution has not been attempted, the reasons why not.
- d. the form of resolution or redress sought.

The Student Office will acknowledge receipt of the Complaints Report within five working days. If the complaint has been submitted beyond 40 working days from the issue that prompted the complaint, without a credible and compelling explanation for the late submission, the student will be issued with a Completion of Procedures letter by the Institute.

The person or persons dealing with the formal complaint (hereafter referred to as the 'Investigator(s)'), who must be independent of the source of the complaint, will undertake an investigation into the substance of the complaint using whatever means are appropriate. Usually this will involve the collection of information from within the Institute and a decision then being reached following a consideration of the relevant material.

Where a student is asked for any additional information by the Investigator(s), they will be given a period of five working days to respond to such a request.

The Investigator(s) will attempt resolution of the complaint by a means appropriate to its nature and circumstances. Such means may include:

- a. correspondence between the parties.
- b. negotiation with the student or with other individual(s) or with both.
- c. facilitation of a conciliation meeting between the student and other individual(s) concerned.
- d. if both parties agree, referral for mediation.

It is expected that the formal procedure should normally be completed, and a written response sent to the student (and, if appropriate, other relevant individual(s)) within 30 working days of receipt of the completed Complaints Report. The possible outcomes at this stage include:

- a. specific action to resolve the matter.
- b. provision to the student of information in explanation of the circumstances which led to the complaint.
- c. referral of the matter to the Complaints Panel if the complaint raises serious or complex matters which require further investigation and enquiry.
- d. dismissal of the complaint as being without substance, with reasons given to the student in writing.

If the student is not satisfied with the outcome of the formal complaint and believes that his or her complaint has not been handled properly or fairly according to the Procedure, or if the student has new evidence which they were unable (for credible and compelling reasons) to provide with the formal complaint, the student may request a Review.

Review

If a student's complaint has been dismissed by the Institute as being without substance, they can request a review on one or more of the following grounds:

- a. the complaint has not been handled properly in accordance with the Procedure.
- b. the outcome is not reasonable on the basis of the evidence available.

- c. the student has new evidence which they were unable (for credible and compelling reasons) to provide to the Institute and which has a material effect on the outcome.

To commence the review a student should submit a Review Report detailing the grounds for review, their reasons, proposed resolution, and any supporting material to the Student Office within 10 working days of the letter (or email) from the Institute informing them of the outcome to their formal complaint. A student's request for a review will be acknowledged within five working days of receipt.

The Managing Director will review the documentary material relating to the case to determine whether the grounds for review have been met. The review is not a re-investigation of the complaint. However, during the review, further information may need to be sought from the student and/or from others concerned. Where a student is asked for any additional information during the review, they will be given a period of five working days to respond to such a request.

The student will be informed of the outcome of the review, in writing, normally within 20 working days of the review request having been received. The student will be given reasons for any decision reached. The decision of the Managing Director will be final in the Institute.

Complaints Panel

The Investigator(s) or the Managing Director may refer a complaint or review request to a Complaints Panel for consideration as they consider necessary for cases that raise serious or complex matters which require further investigation and enquiry.

The composition of the Complaints Panel will be as follows, the members being drawn from areas other than those to which the complaint relates:

- a. The Dean.
- b. Two members of Academic Advisory Board.

- c. A member of academic staff.
- d. A student member (nominated by the Student Council).

The Complaints Panel will be serviced by an Investigator or the Managing Director in the role of Secretary.

The student will be given 10 working days' notice of the date and time of the Complaints Panel meeting and will be invited to attend the meeting to present his or her case. Where the student does not attend, the Panel may proceed in the student's absence.

The student may be accompanied to the meeting by a fellow student, member of staff or person from the Students Council. It is expected that a student will speak to the Complaints Panel directly, and so any person attending with the student will be there only to support the student, not present the case on their behalf.

If the complaint is one of alleged bullying, harassment, discrimination and/or victimisation, the respondent(s) shall also be invited to attend the meeting, in order to respond to the allegations. The respondent(s) will be given 10 working days' notice of the date and time of the Complaints Panel meeting. Where the respondent(s) does not attend, the Panel may proceed in his or her absence.

If a student, the respondent(s) may be accompanied to the meeting by a fellow student, member of staff or person from the Student Council, or if the respondent(s) is a member of staff, the respondent(s) may be accompanied by a colleague or trade union representative. It is expected that a respondent will speak to the Complaints Panel directly, and so any person attending with the respondent(s) will be there only to support the respondent(s), not present the case on their behalf.

The Complaints Panel may call other individual(s) with knowledge of the issues raised in the complaint to attend the meeting of the Complaints Panel or to supply it with information prior to, or after, the meeting. The individual(s) attending should be given 10 working days' notice of the meeting.

The paperwork for the meeting should include any material submitted by the student or that has been collected prior to the notice of the meeting. The material should normally be provided with the meeting invitation.

The student and any individual(s) called to the Complaints Panel meeting will be invited to make oral statements to the Complaints Panel. The student, other individual(s) in attendance and Complaints Panel may then ask questions of those giving oral evidence.

After oral statements have been made, the meeting will close, and the Complaints Panel will retire to make a decision in private by reviewing the documentary material and statements made. The decision should focus on the substance of the complaint and any procedural issues in the handling of the complaint. If the Complaints Panel is unable to reach a decision on the day of the meeting, it will reconvene as soon as reasonably practicable.

The student and Complaints Panel attendees will normally receive written notification of the Panel's decision within 10 working days of the decision being made. The decision will take the form of a Completion of Procedures letter.

Conclusion of the Procedure

At the conclusion of the Procedure, the student will be issued with a Completion of Procedures Letter. There are no other complaints procedures within the Institute beyond those detailed above.